

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 184 OF 2018**

**DISTRICT : KOLHAPUR**

Shri Tarsing Bhoga Naik, )  
R/o: 53/11-12, E-Ward, Plot No. 402, )  
D.S Park, Dingale Nagar, )  
Kolhapur 416 008. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through its Secretary, )  
Higher & Technical Education, )  
Dept, Mantralaya, )  
Mumbai 400 032. )  
2. Directorate of Education, )  
[Higher Education], M.S, )  
Having office at Central Bldg, )  
Pune 411 001, Dist-Pune. )...**Respondents**

Shri C.K Bhangoji with Shri T.V Jadhav, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

**CORAM** : **Shri P.N Dixit (Vice-Chairman) (A)**  
**Shri A.P Kurhekar (Member) (J)**

**DATE** : **18.07.2019**

**PER** : **Shri A.P Kurhekar (Member) (J)**

**ORDER**

1. Heard Shri C.K Bhangoji with Shri T.V Jadhav, learned advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents

2. In the present Original Application, challenge is to the Show Cause Notice dated 17.11.2017, whereby applicant has been directed to produce Caste Validity Certificate within one month, failing which his services will stand terminated.

3. Applicant claims that he has not been appointed in reserved category and he has been selected from open category. The applicant has approached this Tribunal only on receipt of the Show Cause Notice dated 17.11.2017, which is premature. The applicant has submitted his explanation on 30.11.2017, which is not yet decided by Respondent no. 2.

4. Thus what emerges is that Respondent has not taken any final decision of terminating the services of the applicant. Therefore, at this stage, this Original Application can be disposed of with suitable directions.

5. Respondent no. 2 needs to consider the explanation given by the applicant on 30.11.2017 and pass appropriate orders according to rules. If Respondent no. 2 comes to the conclusion that the applicant has been appointed from reserved category and because of his failure to submit Caste Validity Certificate, his appointment needs to be terminated, in that event some protection is necessary.

6. Respondent no. 2 is directed to consider the representation of the applicant dated 30.11.2017 and pass final orders. But the same shall not be implemented or given effect to for a period of two weeks from the date of communication of the order to the applicant.

7. Original Application stands disposed of with above directions. No order as to costs.

**Sd/-**  
**(A.P Kurhekar)**  
**Member (J)**

**Sd/-**  
**(P.N Dixit)**  
**Vice-Chairman**

**Place : Mumbai**  
**Date : 24.07.2019**  
**Dictation taken by : A.K. Nair.**

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