

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.3175 OF 2009
AND
CIVIL APPLICATION NO.3103 OF 2017**

Salahuddin Ahmed Khan s/o.
Viqaruddin Ahmed Khan ..Petitioner

Vs.

The State of Maharashtra
and others ..Respondents

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Mrs.A.N.Ansari, Advocate for petitioner
Mrs.M.A.Deshpande, AGP for respondent no.1
Mr.D.S.Ladda, Advocate for respondent no.2

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.
DATE : MARCH 24, 2017**

ORDER :

Mrs.Ansari, learned Counsel for the petitioner states that the petitioner would not press his challenge to the impugned judgment passed by the Committee invalidating the tribe claim of the petitioner. The petitioner has given an undertaking that the petitioner would not claim the benefits of reservation henceforth.

2. The undertaking given by the applicant is accepted.

3. The learned Counsel for the petitioner further submits that the petitioner has not been given benefit of promotion or otherwise from year 2001.

4. Considering the above, we pass following order :-

(i) The impugned judgment of the Committee invalidating the tribe claim of the petitioner is upheld.

(ii) The respondents shall not take any adverse action against the petitioner only on the ground that his tribe claim is invalidated.

(iii) The petitioner henceforth shall not claim benefits of reservation in the service or in any walk of life.

(iv) Entry of this order be taken in the service book of the applicant/petitioner.

(v) The respondents shall not take any adverse action against the petitioner, only on the ground that his tribe claim is invalidated. If the petitioner is suspended only on the ground that his tribe claim is invalidated, the respondents concerned may revoke the said suspension.

(vi) The petitioner must have been paid the subsistence allowance during the period of suspension, however, he would not be entitled for backwages. The said period be counted for continuity in service.

(vii) With these directions, the Writ Petition stands disposed of.

(viii) In view of disposal of the Writ Petition, the Civil Application also stands disposed of.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]

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