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

WRIT PETITION NO. 9336 OF 2017

**SWAPNIL DILIP BAVISKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioner : Bayas Anandsingh
AGP for Respondents: Mr.A.R.Kale**

**...
CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 26/07/2017

PER COURT :-

1] The petitioner has been appointed in the Railway Mail Service L. Division Bhusawal, Dist.Jalgaon against a reserved seat. The petitioner submitted his caste/tribe certificate dated 15/01/2005 issued by the competent authority. The caste/tribe which is mentioned in this certificate is Tokare Koli [Scheduled Tribe]. After the appointment order, the scrutiny committee was requested to verify the caste/tribe claim. Though it is received in June 2016, it has not been decided. In the meanwhile, the petitioner has been served with a notice by the employer threatening to terminate the services.

2] We have heard Mr.Bayas, advocate appearing for the petitioner and learned AGP for the respondents 1 and 2.

3] It is conceded that the claim is still pending. We therefore, direct that during pendency of the claim before the scrutiny committee, and the petitioner being not responsible for the delay, his services shall not be terminated, if not already terminated, only for failure to produce the validity certificate. We request scrutiny committee to expedite the proceeding however, we clarify that the petitioner's appointment shall be subject to the validity certificate being produced. In the event it is refused or claim is rejected, no equities can be claimed by the petitioner. The Writ Petition is disposed of.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

umg/