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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO. 9277 OF 2022

**GAJENDRA BHIMRAO KOLI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS**

Mr.M.M.Bhokarika, Advocate for the Petitioner.
Mr.S.J.Salgare, AGP for Respondent Nos. 1 to 3, 6 and 7.
Ms.Nikita Gore, Standing Counsel for Respondent Nos. 4 and 5.

**(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)**

DATE : JULY 4, 2024

PER COURT :

1. This Petition is circulated for the first time today, after it was lodged on 23.06.2022. The claim of the Petitioner of belonging to the Tokare Koli Scheduled Tribe category has been invalidated by the Committee, vide order dated 08.02.2022. The Petitioner claims that he is still in employment with Respondent No.5.

2. Issue notice to the Respondents, returnable on 12.08.2024. The learned AGP waives service of notice on behalf of Respondent Nos. 1, 2, 3, 6 and 7. The learned Standing Counsel waives service of notice

on behalf of Respondent Nos. 4 and 5.

3. The learned Advocate for the Petitioner regrets to state that by mistake the words “and rejoinder” has been mentioned in the affidavit undertaking dated 04.07.2024, which is filed on record from page Nos. 55 to 60. Same be marked as “X-1”. He seeks leave to delete. Deletion permitted.

4. The learned Advocate for the Petitioner submits that a specific affidavit undertaking has been mentioned in paragraph No.7 of X-1, that till the claim of the Petitioner is validated, he will not claim any promotion, seniority or other benefits which are available on the basis of his entry in service on a post reserved for the Scheduled Tribe Category.

5. We record the statement by further directing that he would not be eligible for any increments or pay revisions keeping in view that he has not tendered his validity certificate after securing employment on 18.04.2012 and in the light of the law laid down by the Hon’ble Supreme Court in **Chairman and Managing Director, Food Corporation**

of India and others Vs. Jagdish Balaram Bahira and others [(2017) 8 SCC 670]. On the condition of filing the affidavit undertaking, we direct the employer not to terminate the services of the Petitioner only for the reason that his claim is invalidated.

6. All office objections shall be removed on or before 30.07.2024, failing which, the Petition shall stand dismissed on 31.07.2024, without reference to the Court.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)