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

906 WRIT PETITION NO.11728 OF 2022

VISHNU PANDURANG ZODAGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

....

Mr P. V. Jadhavar, Advocate for petitioner;
Mr P. S. Patil, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 9th December, 2022

PER COURT:

1. By this petition, the petitioner has put forth prayer clauses (B), (C) and (D), which read as under :-

“B) By issuing appropriate writ, order or direction in like nature, may kindly be quashed and set aside the impugned termination order dated 02/11/2022 (Exhibit H) by the respondents/employer regarding to non-submission of validity certificate.

C) By way of an appropriate writ, order or direction in the like nature may kindly issue direction to the respondent No. 2 scrutiny committee may kindly be to decide the tribe claim of the petitioner as early as possible or issue the validity certificate in favour of petitioner as belongs to Koli Mahadev Scheduled Tribe.

D) Pending hearing and final disposal of this writ petition, may kindly grant stay to the impugned termination

(2)

order dated 02/11/2022 (Exhibit H) issued by the respondent/employer regarding to non-submission of validity certificate and not fill up the post against the petitioner by respondent authority.”

2. We are informed that the claim of the petitioner is pending since 15th September, 2021, for seeking validation as belonging to ‘Koli Mahadev – Scheduled Tribe Category’. The learned A.G.P. submits on instructions from the Competent Committee, that the petitioner is not stating his exact address, so as to carryout a Vigilance Cell Enquiry. We find that the petitioner has tendered an affidavit dated 11/09/2021, wherein he has stated that he is the resident of Post Jategaon, Taluka Nandgaon, Dist. Nashik. Annexure ‘A’ appended to the affidavit also indicates the same address. The learned Advocate for the petitioner submits on instructions that, Post Jategaon, Taluka Nandgaon, Dist. Nashik is the perfect address of the petitioner. The Vigilance Cell Enquiry may be conducted in relation to this address. If the Committee finds that the address is false or incorrect, it is at liberty to pass an appropriate order in the pending proceedings. He submits that the petitioner’s permanent place of resident is the said address.

(3)

3. In view of the above, this petition is disposed off, with a direction to the Committee to proceed with the pending case of the petitioner for validation. We expect the Committee to decide the said claim by 30/06/2023. The petitioner shall render fullest co-operation to the Committee and shall refrain from seeking adjournments on unreasonable or trivial grounds, lest the Committee would be justified in progressing in next stage in the proceedings.

4. The petitioner shall tender an affidavit undertaking to respondent No.3 /employer, stating therein that, he would not claim increments or promotion or further service benefits, until the claim is decided by the Committee. Such affidavit undertaking shall be filed on or before 21/12/2022. On the condition of filing such affidavit undertaking, the impugned termination order, which is issued without hearing the petitioner and purely for the reasons, that his validity certificate is still not submitted, stands quashed and set aside and the petitioner shall stand reinstated.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

sjk