

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

WRIT PETITION NO.12395 OF 2022

**SAYALU GANGADHAR HANGARGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Phatale Sagar S
AGP for Respondents 1 to 3/State : Shri S.K. Tambe

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

DATE :- 07th December, 2022

Per Court :-

1. The petitioner has been appointed as a Tax Assistant by respondent No.3 on 01.02.2016. He acquired employment on the post, which was reserved for the Scheduled Tribe category. He claims to be belonging to “Mannervarlu”, Scheduled Tribe. His tribe claim is pending with the competent committee, Kinwat office at Aurangabad, for validation since 22.02.2018. He has recently received a notice from respondent No.3 dated 23.11.2022, calling upon him to submit a validity certificate or else, face removal from service.

2. The learned AGP submits that the pending claim of

the petitioner would be decided within six months.

3. In view of the above, this Writ Petition is disposed off with the following directions :-

(a) Respondent No.2/Committee shall decide the pending claim of the petitioner as expeditiously as possible and in any case, on or before 31.05.2023.

(b) The petitioner shall tender an affidavit undertaking to respondent No.3, on or before 21.12.2022, declaring that he would not seek any increment or promotion until a decision in his claim and that his continuance in service would depend upon a decision on his claim of belonging to Mannervarlu, Scheduled Tribe.

(c) On the condition of tendering an affidavit undertaking as directed above, the petitioner shall not be terminated from service until 31.05.2023 or till the decision of the Scrutiny Committee, whichever is earlier.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)