

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

WRIT PETITION NO.12415 OF 2022

**DIGAMBAR MAHADU BAVASKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS**

...

Advocate for the Petitioner : Shri Chaudhari Deepak D.
AGP for Respondents 1 to 3/State : Shri S.G. Karlekar

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

DATE :- 15th December, 2022

Per Court :-

1. The petitioner's claim of belonging to "Koli Malhar (30)", Scheduled Tribe is pending validation.
2. The learned advocate for the petitioner submits that the petitioner would collect the vigilance cell enquiry report from the Committee at Aurangabad today by 05.00 PM by following the due procedure. He submits that he would attend the hearing before the Committee on 23.12.2022 and would submit a written say/submission on 05.01.2023. The Committee can, therefore, post the further hearing in the matter on 05.01.2023.
3. The petitioner has tendered an affidavit undertaking

in this Court stating therein that the petitioner would not seek any increments or promotion or further service benefits on the basis of his social status until the Committee decides his claim. The copy of the affidavit is taken on record and marked as “X” for identification. The copy of the said affidavit be tendered to respondent No.3 within ten days.

4. In view of the above statements, let the Committee deliver a final order in the case of the petitioner, on or before 28.02.2023. The petitioner’s continuance in service would be subject to the decision that would be rendered by the Committee and his service would not be terminated till 28.02.2023 for the reason that his validity certificate has not been submitted.

5. The Writ Petition is, accordingly, disposed off.

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