

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO.13063 OF 2022

NITIN ASHOK SAPKAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

...
Advocate for Petitioner : Mr. Sahil Choudhari h/f Mr. D.D. Chaudhari
AGP for Respondents: Mr. S.G. Karlekar
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 22nd DECEMBER, 2022.**

PER COURT :-

1. The claim of the petitioner of belonging to 'Koli Malhar' Scheduled Tribe category is pending validation.
2. The learned A.G.P submits that the vigilance Cell enquiry report is served upon the petitioner on 24.11.2022. The hearing is posted on 29.12.2022.
3. The learned advocate for the petitioner submits that since he has asked for certain documents, the petitioner would himself collect these documents from the committee at Aurangabad, by 5.00 p.m., on 23.12.2022. Let the committee hand over the copies of the said documents to the petitioner.
4. The learned A.G.P. submits that after the hearing is concluded

on 29.12.2022, the order would be passed by the committee on or before 31.01.2023. The learned advocate for the petitioner submits, on instructions, that the petitioner is agreeable and seeks protection till then.

5. The petitioner shall tender an affidavit undertaking in this Court with a copy thereof, to be tendered to respondent No.3, on or before 06.01.2023, stating therein that he would not seek increments or promotion or any other service benefits until his claim is decided by the committee. His continuance in the employment would be subject to the result of the pending proceeding.

6. On the condition of tendering the affidavit undertaking, as noted above, the petitioner's services would not be terminated solely on the ground that his claim for validation is pending, until 31.01.2023 or till passing of the order by the committee, whichever is earlier.

7. With the above directions, this petition is disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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