

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

WRIT PETITION NO.11323 OF 2023

**SHIVHAR SHRIRANG MARPADWAD
VERSUS**

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. T. M. Venjane, Advocate for Petitioner

Mr. A. V. Deshmukh, AGP for Respondent - State

....

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 12.09.2023

PER COURT :-

1. Leave to add the Scrutiny Committee as Respondent No.6. Amendment be carried out forthwith.

2. The Petitioner has been appointed as a Peon on 01.02.2013. His name is not included in the Shalarth Pranali and the proposal is rejected by the impugned order dated 02.08.2023, since his validity claim is pending adjudication.

3. We have heard the learned Advocates for the respective sides. The Petitioner has put in 10 years of service. His appointment is approved. He is not receiving salary since his name is not entered in the Shalarth Pranali. Unless his validity claim is

not decided, he would not be able to earn the salary payable to a Peon, is the contention of the Respondent State.

4. Considering the above, **this Petition is partly allowed** with the following directions:-

- [a] The impugned order dated 02.08.2023 is set aside and the authority concerned shall consider the claim of the Petitioner for being included in the Shalarth Pranali, within sixty [60] days. Thereafter, his salary shall be paid in accordance with law.
- [b] We direct the Respondent No.6 - Committee to decide the claim of the Petitioner within 180 days from today.
- [c] The above directions are subject to the condition that the Petitioner would tender an affidavit undertaking to the Education Officer (Secondary) within 15 days, stating therein that he would not claim any increments, promotion, service benefits of any nature whatsoever, until his claim belonging to the 'Koli Mahadev' Scheduled Tribe, is validated.

[d] The continuance of the Petitioner in employment would be subject to the result of his claim for validation.

[e] A copy of the affidavit shall be tendered to the Management, within fifteen [15] days from today.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS