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

WRIT PETITION NO.14906 OF 2023

**MUKESH SAYANNA KOSHAKEWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....
Mr S. M. Vibhute, Advocate for Petitioner;
Mrs Priya R. Bharaswadkar, A.G.P. for Respondents/State

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

DATE : 7th December, 2023

PER COURT:

1. We have considered the submissions of the learned Advocate for the Petitioner for quite sometime. We have noted the litigation history. The Co-ordinate Bench of this Court has passed the order dated 03/10/2023 in Writ Petition No.11862/2023, filed by the present Petitioner. The Competent Caste Scrutiny Committee has been directed to decide the claim of the Petitioner afresh, within a period of four months. The date of appearance for the Petitioner was 09/10/2023.

2. In view of the above, the Committee would be deciding the claim of the Petitioner on or before 03/02/2024.

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3. The learned Advocate for the Petitioner contends that, in the meanwhile, he approached the learned Maharashtra Administrative Tribunal, Aurangabad for seeking directions to the third and the fourth Respondents herein, to restore the appointment order of the Petitioner as a 'Sales Tax Inspector' and allow him to join service. He further submits that, he would tender an affidavit undertaking that, if his claim is invalidated by the Committee, he would quit the employment.

4. We find that, as the Committee is to decide the claim of the Petitioner on or before 03/02/2024, rather than issuing a direction to allow the Petitioner to join the duties, it would be appropriate for the Committee to decide his claim, since if his claim is validated, his appointment order would be restored and thereafter, he can join duties. Allowing him to report for duties in mid December 2023 would not be practicable, if his claim is invalidated, ousting him from employment on 03/02/2024.

5. In view of the above, **this Writ Petition is disposed off.** Needless to state that, if the Petitioner succeeds in getting a validity certificate, Respondent Nos.3 and 4 would restore his appointment order and allow him to report for duties. We deem it

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appropriate to record that the post on which the Petitioner is selected and due to which an appointment order was issued, which was cancelled subsequently, would not be filled in, until 03/02/2024, or till the decision rendered by the Committee.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk