



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

971 WRIT PETITION NO. 1852 OF 2024

INDRABALA DATTATRAYA KUSUMALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

Mr.G.K. Chinchole h/f. Mr. S.M. Vibhute, Advocate for the Petitioner.

Mr.S.K. Tambe, AGP for the Respondent/State.

CORAM : RAVINDRA V. GHUGE &
S.G. CHAPALGAONKAR, JJ.

DATED : 15.02.2024

PC :-

01. The Petitioner is in employment. His claim of belonging to the “Mahdev Koli – Scheduled Tribe” category has been invalidated by the impugned order dated 04.01.2024.

02. We have heard the learned Advocates for the respective sides. It appears from the record that though the hearing on 26.07.2023 before the Committee was cancelled, further dates of hearing were posted on 14.09.2023, 04.10.2023 and 07.01.2024. The Petitioner did not remain present though he was represented by an Advocate. The counter argument is that the Petitioner was not aware of the dates of hearing since the dates were

not conveyed to the Petitioner after cancellation of the hearing on 26.07.2023.

03. The learned Advocate for the Petitioner submits that she is likely to lose her employment. She is willing to tender an affidavit undertaking that she would not claim increments/pay fixation/promotion/service benefits, etc. until her claim is decided by the Committee. She prays for a remand.

04. The Petitioner further submits that an amount of Rs.10,000/- (Rupees Ten Thousand) would donated to the Advocates Association, Bench at Aurangabad, within 30 days. An Affidavit undertaking will be tendered to the employer within three weeks.

05. In view of the above, **this Petition is partly allowed.** The impugned judgment of the Committee dated 04.01.2024 is quashed and set aside. The proceeding of the Petitioner is restored to the file of the Committee with the following directions:-

- a) The E-mail address of the Petitioner in kusumale.indra@gmail.com. All correspondence henceforth will be made on the said E-mail address to the Petitioner by the Respondent Committee and the Petitioner would not take a ground that she did not receive the E-mail or did not have access to it.

- b) The Petitioner will file a reply along with written notes of submissions and documents as she may desire, on or before 15.03.2024.
- c) Thereafter, the Committee will intimate the date of hearing to the Petitioner on her E-mail address.
- d) The Petitioner would co-operate in the hearing and would not seek adjournments on unreasonable or trivial grounds, lest, the Committee would be justified in progressing to the further stages in the proceeding.
- e) The Committee shall deliver its final judgment on or before 31st July, 2024.
- f) In the event, an adverse order is passed against the Petitioner by the Committee, considering the undertaking tendered, the said decision shall not be effective for a period of 15 days.

[S.G. CHAPALGAONKAR,J.]

[RAVINDRA V. GHUGE,J.]