



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2175 OF 2024

BHIMRAO NARAYANRAO PANDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

Mr. S. M. Vibhute, Advocate for petitioner

Mr. S. B. Narwade, AGP for respondent/State

Mr. P. D. Suryawanshi, Advocate for respondent No.3.

CORAM : RAVINDRA V. GHUGE AND

R. M. JOSHI, JJ.

DATE : 27th FEBRUARY, 2024

PER COURT :-

1. The Petitioner's claim of belonging to Koli Mahadev Scheduled Tribe category is pending validation since 2015. It is only after he has received a notice dated 17th January, 2024 from the Employer to produce the validity certificate or face termination of service, that he has filed this Petition. He prays for protection of his service.

2. The learned AGP and the learned Advocate for the Zilla Parishad, Jalna submit that the Petitioner should be put to terms and an equitable order be passed otherwise the Petitioner would only enjoy the protection granted by this Court and the matter of validation would continue to linger.

3. The learned Advocate for the Petitioner submits that the

Petitioner would tender an affidavit undertaking in this Court as well as to the Zilla Parishad, Jalna (Employer) within a period of three weeks, declaring that the Petitioner would not seek increments/pay revision/promotions/ service benefits etc. until his claim is validated.

4. In view of the above, **this Writ Petition is disposed off** with a direction to Respondent No.2 to decide the claim of the Petitioner on or before 31st August, 2024. The Petitioner would tender an affidavit undertaking as noted above, in this Court and to the Employer within 21 days from today. The said affidavit undertaking would bind the Petitioner until his claim is decided. On the condition of filing such affidavit, the Petitioner shall not be terminated only for the reason that his claim is pending. If the Committee holds against the Petitioner, the said order would not be effective in the light of the affidavit undertaking, for a period of 30 days to enable the Petitioner to approach this Court.

5. For quick and effective correspondence, the Petitioner submits his email ID as "bhimraopande1975@gmail.com" in order to enable the respondents to enter into correspondence with the Petitioner on the said email address.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp