



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2178 OF 2024

Banaji s/o Pandurang Mahatme

.. Petitioner

Versus

The State of Maharashtra & others

.. Respondents

Mr. G. K. Chinchole, Advocate holding for Mr. S. M. Vibhute,
Advocate for the petitioner.

Mr. R. S. Wani, AGP for the State.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 23rd FEBRUARY, 2024.

PER COURT :

1. A motion was moved at 10.30 am today expressing grave urgency. Hence, this matter is taken on the production board.

2. The Petitioner claims to be belonging to Koli Mahadev Scheduled Tribe category. He submitted his claim for validation to the competent Committee on 15th January, 2020 through his employer. He joined employment with Respondent No. 3 as an Audit Clerk on 4th September, 2019 on the basis of his claim of belonging to the Scheduled Tribe category.

3. The reason for the Petitioner to rush to this Court is that the Assistant Director (Administration) from the office of Respondent No. 3, has issued a notice dated 16th February, 2024, to the Petitioner directing him to produce the tribe validity certificate on or before 23rd February, 2024, failing which his services would be discontinued. The Petitioner is presently under training at Chhatrapati Sambhaji Nagar district and his work place is at Jalna. He received the said notice on 20th February, 2024.

4. We have considered the submissions of the learned AGP.

5. In several matters, we have protected the services of such petitioners with certain conditions, unless the Statute or the Rules provide otherwise.

6. In view of the above, **this Writ Petition is disposed off** with the following directions :-

a) Respondent No. 3 is directed to recall the notice dated 16th February, 2024.

b) The Petitioner would tender an affidavit undertaking to Respondent Nos. 3, and 5, as well as in this Court, declaring therein that the Petitioner would not claim increments/promotions/pay revision/service benefits etc. until his claim is validated.

c) On the condition that the affidavit undertaking shall be filed as directed within 15 days from today, we direct Respondent Nos. 3 to 5 to refrain from terminating the services of the Petitioner solely on the ground that his validity certificate is yet not received.

d) Considering the submissions of the learned AGP, let the proceedings initiated by the Petitioner for validation, be decided on or before 31st July, 2024.

e) The Petitioner shall render whole hearted cooperation to the Committee and shall refrain from seeking adjournments on unreasonable or trivial grounds, lest, the Committee would be justified in advancing to the next stages in the proceedings.

f) For easy correspondence, the Petitioner tenders his email address as under :

mahatmebanaji@gmail.com

g) The Committee is at liberty to enter into correspondence with the Petitioner on the said email address. The Petitioner would not tender an excuse that he did not receive the emails or the hard copy of any notice or communication or report.

7. We request the learned AGP to communicate this order to Respondent Nos. 3, 4 and 5.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

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