



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 WRIT PETITION NO. 3051 OF 2024

MUKUNDA BALU PADALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

Mr.D.D. Choudhari, Advocate for the Petitioner.

Mr.V.M. Kagne, AGP for the Respondent/State.

Mr.S.S. Dande, Advocate for Respondent Nos. 3 and 4.

CORAM : RAVINDRA V. GHUGE &
R.M. JOSHI, JJ.

DATED : 19.03.2024

PC :-

01. The Petitioner has entered service with Respondent No.3 on the basis of his claim of belonging to “Koli Malhar” – Scheduled Tribe. His claim for validation is pending before the Competent Committee. Since he has secured employment on the basis of such claim and has not tendered Validity Certificate, he received a communication from the employer dated 04.03.2024, intimating him that he would be terminated from service, if the Validity Certificate is not tendered.

02. The learned Advocate for the Petitioner submits, on instructions, that the Petitioner would tender an affidavit undertaking to the employer as well as to this Court, declaring that he would not claim increments/pay fixation/pay revision/promotion/service benefits etc. until his claim is validated.

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

- a) The Petitioner would tender an affidavit undertaking as noted above, in this Court as well as with Respondent no.3, within 30 days from today.
- b) On the condition of filing such an affidavit undertaking, Respondent No.3 shall not terminate the service of the Petitioner, solely for the reason that his claim is pending validation.
- c) The Committee makes a statement that the claim of the Petitioner would be decided on or before 30.09.2024. As such, let the Committee deliver a final order on or before 30.09.2024.
- d) Since the Petitioner is filing an affidavit undertaking, if an adverse order is passed against the Petitioner, same would be effective 15 days after it is pronounced.

[R.M. JOSHI,J.]

[RAVINDRA V. GHUGE,J.]