



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

914 WRIT PETITION NO. 4497 OF 2024

KAILAS PIRAJI GHORPADE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

Shri Boinwad Omgashad B., Advocate for the Petitioner.
Shri V.M. Kagne, AGP for Respondent Nos.1 and 2/State.
Shri A.M. Gaikwad, Advocate for Respondent No.3.

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

DATE :- 30th April, 2024

Per Court :-

1. The Petitioner's grievance is that though he has joined services as Sub Station Assistant with Respondent No.3/ Employer on 09.01.2021, his proposal for seeking validation of his claim of belonging to "Koli Mahadev", Scheduled Tribe category was already forwarded to the Committee prior thereto i.e. on 05.01.2021.

2. The learned Advocate for Respondent No.3/ Employer submits that since the Petitioner was appointed on a post reserved for Scheduled Tribe category, he cannot be granted

service benefits until he produces a validity certificate.

3. The learned Advocate for the Petitioner submits that the Petitioner has tendered an affidavit undertaking dated 19.04.2024, stating that he would not claim any service benefits/ promotion/ pay fixation/ increment/etc. until his claim is validated. The said affidavit undertaking is taken on record and marked as “X” for identification.

4. The learned AGP submits, on instructions, that it would take at least 10 to 12 months to decide the pending proceedings.

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

(a) The Petitioner shall submit a copy of the affidavit undertaking “X” to the Employer, on or before 10.05.2024.

(b) After the said affidavit containing the above statement is tendered, the Employer would refrain from terminating the services of the Petitioner only for the reason that he does not have a validity certificate, until 15.01.2025.

(c) The Petitioner would render wholehearted cooperation to the competent Committee. Correspondence on his email address/ whatsapp account would be considered as proper service. His email address and whatsapp number are “kailas8049@gmail.com” and 9730808127, respectively.

(d) The Petitioner shall refrain from seeking adjournment on unreasonable or trivial reason/ground, lest, the Committee would be justified in progressing to the next stage in the proceedings.

(e) The claim of the Petitioner shall be decided by the Committee, on or before 31.12.2024.

(f) If an adverse order is passed by the Committee, same shall not be effected till 15.01.2025, considering that an affidavit undertaking is tendered.

kps (R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)