



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

41 WRIT PETITION NO. 4469 OF 2024

VAIBHAV SHANTINATH NATHBONE

VERSUS

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

...

Shri Mohanish V. Thorat, Advocate for the Petitioner.
Ms.Neha B. Kamble, AGP for Respondent Nos.1 and 2/State.
Shri A.M. Gaikwad, Advocate for Respondent No.3.

...

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

DATE :- 30th April, 2024

Per Court :-

1. The Petitioner's grievance is that though he was appointed by the Employer on 20.12.2020, his proposal for seeking validation of his claim of belonging to "Koli Mahadev", Scheduled Tribe category, was forwarded on 13.02.2024.
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, on instructions, that the Petitioner would tender an affidavit undertaking that he would not claim any service benefits/ promotion/ pay fixation/ increment, etc. until his claim is validated.

4. The learned AGP submits, on instructions, that it would take at least 10 to 12 months to decide the pending proceeding, which has been lodged only in February, 2024.

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

(a) The Petitioner shall tender an affidavit undertaking in the light of the above statement, to this Court and a copy to the Employer, on or before 10.05.2024.

(b) After the said affidavit containing the above statements 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 28.02.2025.

(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 vaibhavnath91@gmail.com and 9421316869.

(d) The Petitioner shall refrain from seeking adjournments on unreasonable or trivial 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 28.02.2025.

(f) If an adverse order is passed by the Committee, same shall not be effected till 30.03.2025, considering that an affidavit undertaking would be tendered.

kps

(R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)