



(1)

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

925 WRIT PETITION NO. 5400 OF 2024

SANJAY SAYABU GHANTE

VERSUS

**THE DEPARTMENT OF POST OF INDIA THROUGH ITS SENIOR
MANAGER AND ANOTHER**

....

Mr O. D. Totawad, Advocate h/f Mr C. R. Thorat, Advocate for
Petitioner;

Mr A. G. Talhar, DSGI for Respondent No.1

Ms Neha Kamble, A.G.P. for Respondent No.2

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 11th June, 2024

PER COURT:

1. By this Petition, the Petitioner seeks a direction to
Respondent No.2/Scheduled Tribe Certificate Scrutiny
Committee, Kinwat, to decide his tribe claim within a time frame.

2. The learned A.G.P. submits on instructions that the
pending claim of the Petitioner seeking 'Koli Mahadev'
Scheduled Tribe category validity certificate, shall be decided
within 8 months considering the pending Vigilance Cell Enquiry.

(2)

3. At this juncture, the learned Advocate for the Petitioner prays that Respondent No.1/Employer should not initiate coercive steps against the Petitioner. He submits that, the Petitioner has joined employment on 20/12/2019. An affidavit undertaking would be tendered by the Petitioner in this Court, stating therein that he would not claim any increment/promotion/service benefits of any nature whatsoever, etc., until his claim is decided by this Court, since he was selected on the basis of the claim that he belongs to the Scheduled Tribe category.

4. In view of the above, let the aforesaid affidavit undertaking be filed in this Court, on or before 20/06/2024 and a copy of the same be delivered to Respondent No.1/Employer/Department of Post, within the same time frame. On the condition of filing such affidavit undertaking, service of the Petitioner shall be protected until the claim is decided. If the Petitioner suffers an adverse order at the hands of the Scrutiny Committee, such adverse order would not be implemented for a

(3)

period of 15 days, considering the filing of such affidavit undertaking which shall continue to bind the Petitioner.

5. Let the claim of the Petitioner be decided by the Committee, on or before 28/02/2025.

6. With the above directions, **this Writ Petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk