



- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 WRIT PETITION NO. 6592 OF 2024

SEEMA ATMARAM VISALE ALIAS SEEMA MADHUKAR INGLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.S.R.Barlinge, Advocate for the Petitioner.
Mr.R.K.Ingle, AGP for the Respondent/State.
Mr.R.D.Raut, Advocate for Respondent No.3.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : JULY 4, 2024

PER COURT :

1. After hearing the learned Advocate for the Petitioner and upon perusing the order dated 29.09.2009, passed in a large group of matters (Writ Petition No.5377/2009 and bunch of cases), we find that this is a case wherein advantage of the protection granted by the High Court has been unduly taken and the Petitioner has succeeded in continuing the litigation till today. Though the order was that his validity claim shall be decided in 6 months, with the direction that the Petitioner would appear before the Committee on 26.10.2010, our judicial conscience is shocked that the matter was lingering on for 15

years. The claim of the Petitioner is pending since 2000, for the least 24 years.

2. Today, the Petitioner is before us for again seeking protection and for a further order that the claim of belonging to the Thakur Scheduled Tribe category should be decided. A further prayer is put forth under clause 'B' that no action should be initiated against the Petitioner for failing to tender the validity certificate. The Petitioner was 36 years old when she first approached this Court. Now the Petitioner is 52 years of age and has received service benefits thereof, without a validity certificate merely because of the protection of this Court. We find that our order has been misused.

3. In view of the above, we pass the following order :-

[a] The Petitioner shall tender her e-mail address and her whatsapp Cell Number hereunder :-

E-mail address - seemaingle1972@gmail.com

Whatsapp Number -9420895590

[b] Both the parties agree that, for easy correspondence, they would indulge in correspondence with each other through e-mail address and the whatsapp cell number. The documents to be exchanged should be

uploaded through e-mail and soft copies would be served on the Petitioner or the Committee, as may be the case.

[c] The Petitioner shall tender an affidavit undertaking to this Court as well as to the employer, Zilla Parishad, Aurangabad on or before 25.07.2024, stating in the affidavit undertaking that the Petitioner would not seek any further increments / promotions / pay revision / service benefits etc. until her claim is decided or validated, either by the Committee or by this Court in the case of an invalidation. In short, until her claim is validated, she will not be entitled for any further service benefits, keeping in view the law laid down in ***Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others [(2017) 8 SCC 670]***.

[d] If the affidavit / undertaking is not filed, the protection against termination shall stand vacated w.e.f. 26.07.2024, without reference to the Court.

[e] If the e-mail message bounces on account of wrong e-mail address, we would hold the Petitioner responsible and the Committee would be at liberty to progress to the next stage.

[f] Since the Committee is attempting to trace out the file, as the original proceeding file was listed before the Committee at Nashik, then at Nandurbar after the new Committee was formed and then at Dhule, the Petitioner shall meticulously upload the entire soft copies of her file through her e-mail on the e-mail of the Committee, which is

tcsc.dhule.mah@gmail.com, within 30 days from today. In addition, if the Committee desires further assistance for re-construction of the file, the Petitioner would be conveyed through e-mail and her assistance would be taken. The Petitioner shall assist the Committee in this process and ensure that the file is re-constructed on or before 31.08.2024.

[g] The Petitioner shall co-operate with the Committee in the Vigilance Cell Enquiry, which shall be completed on or before 30.11.2024, if not already completed.

[h] The usual procedure for hearing the Petitioner by tendering a copy of the Vigilance Cell Enquiry Report and opportunity of hearing, would be extended and the Committee would decide the claim of the Petitioner, on or before 31.03.2025.

[i] If the Petitioner suffers an adverse order, there would be no adverse action against the Petitioner since we are binding her to the contents of her affidavit as directed above and she would not be entitled for any service benefits.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)