



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO. 8247 OF 2024

SURESH KADU KOLI

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Mr. Kalyan Patil h/for Mr. S. R. Barlinge, Advocate for the Petitioner
Mrs. V. N. Patil-Jadhav, AGP for the Respondents State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRADE, JJ.

DATE : 6th August, 2024

ORDER:

1. The Petitioner is 46 years of age and is in employment with Respondent No.3, since 21.03.2003. He was selected on a post which was reserved for a Scheduled Tribe Category. He was also promoted in 2005. Thereafter, he was again promoted in 2012 and then he was promoted on the post of Master Cross-man in 2021. In the last 21 years, he could get his promotions without a validity certificate.

2. The claim of the petitioner is said to be pending at the stage of vigilance cell inquiry. His earlier proceedings were aborted on the ground that his certificate carried the wrong spelling as 'Tokare Koli' Scheduled Tribe, instead of 'Tokre Koli' Scheduled Tribe. The Petitioner seeks protection.

3. Considering the fact that the Petitioner could obtain three promotions without a validity certificate, we direct the Petitioner to tender an affidavit undertaking in this Court that, until his claim is validated either by the Committee or by this Court, he would not seek any further promotions/increments/ pay fixation/service benefits, etc., in the light of **Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others, 2017 AIR SC 3271.**

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

- (a) The Petitioner shall appear before the Committee on such date as may be communicated to him by the Committee, on his e-mail /WhatsApp.
- (b) For easy correspondence, the Petitioner has tendered his E-mail address as **suresh.k.koliyogira@gmail.com**. He has also tendered his Cell Phone number as **9860354262** and agrees to receive communications or correspondence from the Committee and enter into correspondence with the Committee through his e-mail address and/or the WhatsApp mode.
- (c) The Committee shall decide the claim of the Petitioner on or before 28.02.2025.
- (d) The Petitioner would render wholehearted cooperation to the Committee and would refrain from seeking adjournments

on unreasonable and trivial grounds. For every adjournment, he will have to put forth a justifiable reason through e-mail/WhatsApp.

- (e) The Petitioner would not be terminated from service only for the reason that his claim is still pending, in the light of the affidavit undertaking, until his claim is validated.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan