



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

60 WRIT PETITION NO. 8756 OF 2024

SHIVAJI SAYANNA KONDAWAR

VERSUS

OFFICE EXECUTIVE ENGINEER CITY AND ANOTHER

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Shri Omprakash S. Sunkewar, Advocate for the Petitioner.

Shri S.R. Wakale, AGP for Respondent No.2/State.

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CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 20th August, 2024

Per Court :-

1. The Petitioner desires that his pending validity claim of belonging to 'Mannervarlu', Scheduled Tribe, be decided by the Scrutiny Committee, as expeditiously as possible.

2. The Petitioner has been appointed vide the order dated 16.05.2012, as a Labourer, from the Scheduled Tribe category. Within six months, he had to tender the validity certificate. The record reveals that the Petitioner had filed Writ Petition No.961/2017 and this Court, vide the order dated 23.01.2017, directed the Committee to issue the tribe certificate.

On the basis of this order, the tribe certificate was issued to the Petitioner, on 09.03.2017. This tribe certificate is sent to the Scrutiny Committee for validation in 2017 and since then, the proposal for validation is pending.

3. Now, the Employer has issued the letter dated 17.05.2024, to the Scrutiny Committee that though the Petitioner is appointed from the Scheduled Tribe category, he has not submitted the validity certificate and his claim is pending with the Committee. Due to pendency of his tribe claim, service benefits cannot be released to the Petitioner.

3. The learned Advocate for the Petitioner submits that the proposal is pending since 2017. The Petitioner undertakes to tender an affidavit-undertaking in this Court as well as to the Employer, within 15 days from today, declaring therein that he would not seek regularization, increments, promotion, revised pay fixation, service benefits, etc. until his claim is validated.

4. The learned AGP submits, on instructions from the Committee, that the validity claim of the Petitioner would be

decided by the Committee, on or before 31.01.2025.

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

(a) The Petitioner shall tender the affidavit undertaking as stated above, in this Court and a copy to the Employer, within 15 days from today.

(b) The pending claim of the Petitioner shall be decided by the Scrutiny Committee, on or before 31.01.2025.

(c) Subject to the affidavit undertaking which would be tendered by the Petitioner within 15 days, the Employer would refrain from terminating the services of the Petitioner only for the reason that he does not have a validity certificate.

(d) 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 shivajikondawar70@gmail.com and 9960928147.

(e) The Petitioner shall refrain from seeking adjournment on unreasonable or trivial ground, lest, the

Committee would be justified in progressing to the next stage in the proceedings.

(f) If an adverse order is passed by the Committee, the service of the Petitioner will not be terminated considering that the affidavit undertaking will continue to bind the Petitioner even before this Court, when he challenges the adverse order.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)