



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

WRIT PETITION NO. 9210 OF 2024

**RAJESH JAGANNATH SAPKAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

.....
Advocate for the Petitioner : Mr. A.B. Kharosekar h/f. Boinwad Omgashad B.
AGP for Respondents/State : Mr. S.R. Wakale
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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 27th August, 2024**

PC. :-

1. The Petitioner's claim of belonging to the Koli Malhar-30 Scheduled Tribe category is pending validation with the competent Committee, since 03.07.2024. This Petition is filed on 16.08.2024. His biological brother Rushikesh Jagannath Sapkal has been granted a tribe validity certificate by the order of this Court dated 21.08.2019, in Writ Petition No.9162/2019. The Petitioner is in service and apprehends termination on account of non-furnishing of the validity certificate. He is willing to tender an affidavit undertaking that he would not seek permanency or regularization in employment or increments / pay fixation / promotions / service benefits etc. until his claim is validated either by the Committee or by this Court. He submits that such affidavit would be filed on or before 10.09.2024, in this

Court as well as with the employer. On the basis of the affidavit, he prays for protecting of his service.

2. 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 31.03.2025.

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

(a) The pending claim of the Petitioner shall be decided by the Scrutiny Committee, on or before 31.03.2025.

(b) The Petitioner shall tender the copy of the affidavit undertaking 'X' to the Employer, within 15 days from today.

(c) In view of the affidavit undertaking 'X', 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 rajesh.sapkal83@gmail.com and 8983698396.

(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 'X' will continue to bind the Petitioner even before this Court, when he challenges the adverse order.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]