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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

975 WRIT PETITION NO. 9940 OF 2024

BANAJI PANDURANG MAHATME
VERSUS
THE STATE OF MAHARASHTRA THROUGH IT'S SECRETARY AND
OTHERS

Mr.G.K.Chinchole h/f Mr.S.M.Vibhute, Advocate for the Petitioner.
Ms.Neha Kamble, AGP for the Respondent/State.

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

DATE : SEPTEMBER 12, 2024

PER COURT :

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

2. The Petitioner has been appointed vide the order dated 31.08.2019, as an Audit Clerk from the Scheduled Tribe category. Within six months, he has to tender the validity certificate. He apprehends termination.

3. He has tendered the affidavit-undertaking declaring that he would not seek regularization, increments, promotion, revised pay fixation, service benefits, etc. until his claim is validated. The said affidavit undertaking is taken on record and marked as 'X' for identification.

4. The learned AGP submits, on instructions from the Committee, that since the proposal is pending with the Committee since 15.01.2020, the validity claim of the Petitioner would be decided by the Committee within six months.

5. 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, within six months.

(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 mahatmebanaji@gmail.com and 9527750076.

(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.)