



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO. 10742 OF 2024

Usha Eknath Godgodwar

VERSUS

The State of Maharashtra Through Its Secretary and others

...

Advocate for the Petitioner : Mr. O.D. Totadwad h/f C.R. Thorat

AGP for Respondents: Mr. V.M. Kagne

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATED : 1st OCTOBER, 2024.

PER COURT :-

1. Leave to correct the year in the prayer clause-A.
2. The Petitioner's claim of belonging to the 'Mannervarlu Scheduled Tribe Category', is pending adjudication before the Competent Committee, after it was lodged on 29.07.2013. The learned A.G.P. submits that the pending proceedings of the Petitioner would be decided, on or before 31.03.2025.
3. The learned advocate for the Petitioner submits that the Petitioner is in employment and her services are likely to be terminated by Respondent No.3.

4. The Petitioner has filed an affidavit undertaking dated 29.09.2024, stating therein on oath that the Petitioner would not claim permanency, promotion, revision of pay scale, increments or service benefits etc. until her claim is validated, either by the Committee or this Court. The said undertaking is taken on record and marked as "X" for identification. She prays that her services may not be terminated in the light of the affidavit undertaking.

5. The learned advocate for the Petitioner relies upon **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others, [AIR 2023 SC 1657]** and **Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others; [2010 (6) Mh.L.J.401]**, to support his contention that the Vigilance Cell inquiry may not be necessary in the case of the Petitioner. We leave this aspect open to the Committee to consider, in accordance with the Rules applicable.

6. In view of above, **this Writ Petition is disposed off.**

7. The claim of the Petitioner would be adjudicated upon, on or before 31.03.2025, keeping in view the law laid down in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)** and **Apoorva Vinay Nichale (supra)**. For easy correspondence,

the Petitioner tenders her E-mail address 'ushapuramwar@gmail.com' and her Whatasapp No. 9403908019. The parties shall enter into correspondence by either of these modes.

8. The Petitioner shall wholeheartedly co-operate with the Committee for the disposal of her proceedings, on or before 31.03.2025. The Petitioner shall be bound by the affidavit-undertaking and in the event, her claim is invalidated and she approaches this court, the affidavit-undertaking shall continue to bind her until her claim is validated by this Court. Copy of the affidavit-undertaking shall be tendered to the employer, within 15 days.

9. Needless to state, the service of the Petitioner shall not be terminated only for the reason that her claim is pending or is invalidated, in view of the Affidavit undertaking.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE , J.)

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