



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

43 WRIT PETITION NO. 4471 OF 2024

VIDYA HASHENNA GALEWAR

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

Shri Thorat Chandrakant R., Advocate for the Petitioner.

Shri V.M. Kagne, AGP for Respondent Nos.1 and 5/State.

Shri A.M. Gaikwad, Advocate for Respondent Nos.2, 3 and 4.

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CORAM : RAVINDRA V. GHUGE

&

R.M. JOSHI, JJ.

DATE :- 30th April, 2024

Per Court :-

1. The Petitioner belongs to “Mannervarlu”, Scheduled Tribe category. She was appointed as a Lineman Assistant on 05.10.2015. Her proposal seeking validation of her claim was forwarded on 28.05.2015. However, there was spelling mistake in the word “Mannervarlu” and hence, the certificate was confiscated. On 13.04.2018, a new certificate was issued, which was submitted along with the proposal, on 11.06.2018. Since

then, the vigilance cell inquiry is pending.

2. The Petitioner's grievance is that though she was appointed by the Employer on 05.10.2015 and her fresh proposal for seeking validation of her claim of belonging to "Mannervarlu", Scheduled Tribe category was forwarded on 11.06.2018, the same is pending validation.

3. The learned Advocate for the Respondent/ Employer submits that since the Petitioner was appointed on a post reserved for Scheduled Tribe category, she cannot be granted service benefits until she produces a validity certificate.

4. The learned Advocate for the Petitioner submits, on instructions, that the Petitioner would tender an affidavit undertaking that she would not claim any service benefits/ promotion/ pay fixation/ increment, etc. until her claim is validated.

5. The learned AGP submits, on instructions, that it would take at least 10 to 12 months to decide the pending proceedings.

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

off with the following directions:-

(a) The Petitioner shall tender an affidavit undertaking in the light of the above statement, to this Court and a copy to the Employer, on or before 10.05.2024.

(b) After the said affidavit containing the above statement is tendered, the Employer would refrain from terminating the services of the Petitioner only for the reason that she does not have a validity certificate, until 31.01.2025.

(c) The Petitioner would render wholehearted cooperation to the competent Committee. Correspondence on her email address/ whatsapp account would be considered as proper service. Her email address and whatsapp number are galewarvidhya@gmail.com and 9881993875, respectively.

(d) 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.

(e) The claim of the Petitioner shall be decided by the Committee, on or before 31.12.2024.

(f) If an adverse order is passed by the Committee, same shall not be effected till 31.01.2025 considering that an affidavit undertaking would be tendered.

kps (R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)