



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO. 7022 OF 2024

GANGARAM RAMRAO GADDAMWAD

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPLE
SECRETARY AND OTHERS

AND

937 WRIT PETITION NO. 7072 OF 2024

SANJAY MAROTIRAO GADDAMWAD

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPLE
SECRETARY AND OTHERS

...

Mr. Suresh M. Kulkarni, Advocate for the Petitioners

Mr. N. S. Tekale, AGP for Respondents State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 11th July, 2024

ORDER:

1. These matters were heard for some time. We granted a pass over to enable the learned AGP to take instructions. The learned AGP submits on instructions, which have been taken in the backdrop of the submissions of the Petitioners, that the impugned order dated 20.06.2024 and 24.06.2024, would be withdrawn. The Petitioners be directed to appear before the Committee on a particular date and time. The Petitioners be directed to tender their E-mail address and WhatsApp Cell No. for easy correspondence.

2. Since the Petitioner's claims have been invalidated, which order is now been set aside, the Petitioners pray for protection of their service. The learned AGP points out the law laid down by the Hon'ble Supreme Court in **Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others, 2017 AIR SC 3271.**

3. This is a court of equity and in such cases equity has to be balanced. In the peculiar backdrop of these cases, wherein the claims of these Petitioners have been invalidated and the order is being set aside today, to facilitate a rehearing, the Petitioners will have to be continued in employment. As it is, the Petitioners are 44 years and 31 years of age, respectively. Equities would be balanced, if they are directed to file affidavit undertakings in this Court and copies to be tendered to the employer, stating that they would not claim further service benefits like pay fixation, increments, promotions etc. until their claims are validated, either by the committee or by a Court. There is no dispute that they have entered service on the basis of the claim of belonging to the 'Koli Mahadev' Scheduled tribe Category.

4. In view of the above, **both these Writ Petitions are disposed off** with the consent of the parties and with the following directions:

(a) The impugned orders stand recalled.

- (b) Proceedings of both these Petitioners would be remitted to the Kinwat Committee at Chh. Sambhajinagar.
- (c) The Petitioners would appear before the Committee on 30.07.2024, at 12 noon.
- (d) The Correspondence between the Committee and these candidates would be via E-mail and /or WhatsApp. Email ID of Petitioner -Sanjay Marotirao Gaddamwad is: **s.mgaddamwar@gmail.com** and WhatsApp Cell No. is: **9657449238**. Email ID of Petitioner- Gangaram Ramrao Gaddamwad is: **gangaram9860@gmail.com** and WhatsApp Cell No. is: **9850902030**.
- (e) The Petitioners shall tender their affidavit undertakings as recorded above, in this Court, on or before 31 July, 2024 and copies be supplied to their respective employers, within the same period.
- (f) Since the Petitioners are tendering their affidavit undertakings, the Respondents shall not terminate their services and the Petitioners shall be protected until their claims are validated by the Committee or by the Court, as the case may be.
- (g) The Committee shall follow the due procedure laid down in law and afford an opportunity of hearing to the Petitioners, who may file written notes of submissions. The Committee shall decide their claim till 31st August, 2024.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)