

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13168 OF 2024

Vaibhav Vasant Telavane.

... Petitioner.

Versus

State of Maharashtra & Ors.

... Respondents.

Mr. R.K. Mendadkar, for the Petitioner.

Mr. S.B. Kalel, AGP for Respondent Nos. 1, 2, 4 and 5/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 12th DECEMBER, 2024

P.C. :

1. Issue notice to the Respondents, returnable on **5th February, 2025**. The learned AGP waives service on behalf of Respondent Nos. 1, 2, 4 and 5.

2. A typed detailed family tree is presented by the Petitioner under his signature. The same is marked as **'X-1'** for identification.

3. Considering the view of the Hon'ble Supreme Court in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State***

of Maharashtra and others, Civil Appeal No.2502/2022 decided on 24.03.2023 (AIR 2023 SC 1657), the Petitioner's relation with the persons mentioned in the family tree, has to be tested. The Petitioner contends that he is the first person from his paternal relatives who has sought a validity certificate of the caste Wani. The learned AGP quickly adds that the Petitioner has the strange distinction of having three caste certificates. **Firstly**, of 'Vaishya Wani', obtained in 1999. **Secondly**, of 'Wani', obtained on 14th November, 2020 and **thirdly**, of 'Wani', obtained on 16th January, 2023.

4. Though the learned Advocate Mr. Mendadkar submits that he will contradict the statement of the learned AGP while advancing final submissions, what we realise from these submissions are that this case has to be carefully scrutinised with great caution and verification.

5. The learned Advocate for the Petitioner submits that he is in employment and is under a threat of termination.

6. In view of the above, we direct the Petitioner to tender an affidavit undertaking in this court and a copy to the employer, Respondent No. 3, that he will not be entitled for

increments/promotions/revision in pay scale/service benefits etc. until his claim is validated by this Court. On the condition of filing such affidavit within three weeks from today, the Petitioner's service would not be terminated only for the reason that he does not have a validity certificate.

7. The parties are put to notice that if time permits, this matter would heard finally at the admission stage, on the returnable date.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

ARUNA
SANDEEP
TALWALKAR

Digitally signed
by ARUNA
SANDEEP
TALWALKAR
Date: 2024.12.13
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