

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

(909) WRIT PETITION NO. 9248 OF 2025

Suresh Bhimrao Koli

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

AND

(57) WRIT PETITION NO. 9038 OF 2025

Appasaheb Bhimrao Koli

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Sushant Jinturkar, Advocate for the Petitioners.

Mr. P.P. Kakade, Addl. G.P. a/w Mr. Vikas Mali, AGP for Respondent Nos.1 & 2/State in WP/9248/2025.

Mr. Vikas Mali, AGP for Respondent Nos.1 & 2/State in WP/9038/2025.

CORAM : RAVINDRA V. GHUGE

&

GAUTAM A. ANKHAD, JJ.

DATE : 8th JULY, 2025

P.C. :-

1. Both the Petitioners are siblings. Both claim to be belonging to the 'Koli Mahadev' Scheduled Tribe Category. Both are in employment. Both secured their employment on the basis of the claim that they belong to a reserved category. The posts

occupied by both the Petitioners were reserved for the Scheduled Tribe Category when they were granted employment. By the impugned orders, the claims of both the Petitioners of belonging to the Koli Mahadev Scheduled Tribe Category have been rejected.

2. The learned Advocate for the Petitioners submits that both the Petitioners would tender their affidavit undertakings in this Court and also to the Employer, within a period of 15 days, declaring therein that they would not seek increments/pay fixation/pay revision/promotions/service benefits etc., until their claim is validated by this Court, keeping in view the law laid down by the Hon'ble Supreme Court in *Chairman and Managing Director, Food Corporation of India and others V/s. Jagdish Balaram Bahira and others, 2017 AIR SC 3271*.

3. The learned AGP submits on instructions that both these Petitioners are guilty of manufacturing documents.

4. **Issue notice** to the Respondents, returnable on **18th August, 2025**. The learned AGP waives service of notice on behalf of Respondent Nos.1 and 2.

5. Let the affidavit in reply, if desired, be filed at least ten days, prior to the returnable date.

6. Considering the law laid down in *Jagdish Balaram Bahira (Supra)*, and the statement of the Petitioners that they would tender their affidavit undertakings within 15 days in this Court as well as to the Employer, we direct that the employer would not terminate their service only for the reason that their claims have been invalidated by the Committee. If the affidavit undertaking is not filed, this order shall stand vacated and the Petitioners would not be protected after 15 days from today.

7. All office objections to be removed on or before 24th July, 2025, failing which, the Petitions would stand dismissed without reference to the Court, on 25th July, 2025. The objections with regard to the documents at Page Nos.89 to 111 in the first Petition and at Page Nos.91 to 112 in the second Petition, are to be ignored.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)