

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9042 OF 2025

Dattatray s/o Baburao Chavan ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

Mr.Sushant Jinturkar, Advocate for the Petitioner.

Mr.P.P. Kakade, Addl. GP. a/w Mr. Vikas Mali, AGP for Respondent
Nos.1 & 2/State.

CORAM : RAVINDRA V. GHUGE
&
GAUTAM A. ANKHAD, JJ.

DATE : 8th JULY, 2025

P.C. :-

1. The Petitioner claims to be belonging to the 'Thakar-Scheduled Tribe' Category. The Petitioner is in employment. The Petitioner secured his employment on the basis of the claim that he belongs to a reserved category. The post occupied by the Petitioner was reserved for the Scheduled Tribe Category when he was granted employment. By the impugned order, the claim of the Petitioner, has been rejected.

2. The learned Advocate for the Petitioner submits that the Petitioner would tender his affidavit undertaking in this Court and

also to the Employer, within a period of 15 days, declaring therein that he would not seek increments/pay fixation/pay revision/promotions/service benefits etc., until his 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 Addl.GP submits on instructions that the Petitioner is guilty of manufacturing documents.

4. **Issue notice** to the Respondents, returnable on **18th August, 2025**. The learned Addl.GP 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 Petitioner that he would tender his affidavit undertaking within 15 days in this Court as well

as to the Employer, we direct that the employer would not terminate his service only for the reason that his claim has been invalidated by the Committee. If the affidavit undertaking is not filed, this order shall stand vacated and the Petitioner 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 Petition would stand dismissed without reference to the Court, on 25th July, 2025.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)