



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8310 OF 2025

Baig Nawab s/o Sahebjani
Age : 59 years, Occu : Pensioner,
Presently residing at Bajaj Nagar, Pandharpur,
Tq. & Dist. Chhatrapati Sambhajnagar

VERSUS

1. The State of Maharashtra
Rural Development Department,
Mantralaya, Mumbai-32
Through its Principal Secretary
2. Zilla Parishad, Chh. Sambhajnagar,
Tq. And Dist. Chh. Sambhajnagar,
Through its Chief Executive Officer

Advocate for the Petitioner : Mr. Sushant C. Yeramwar
AGP for Respondent-State : Mr. V. M. Kagne
Advocate for Respondent No. 2 : Mr. Prashant R. Nangare

AND

WRIT PETITION NO. 8329 OF 2025

Markhelkar Samdani s/o Abdul Wahed
Age : 60 years, Occu : Pensioner,
Presently residing at Kher Nagar, Udgir,
Tq. Udgir, Dist. Latur

VERSUS

1. The State of Maharashtra
Rural Development Department,
Mantralaya, Mumbai-32
Through its Principal Secretary
2. Zilla Parishad, Latur,
Tq. And Dist. Latur,
Through its Chief Executive Officer

-2-

Advocate for the Petitioner : Mr. Sushant C. Yeramwar

AGP for Respondent-State : Mr. V. M. Kagne

Advocate for Respondent No. 2 : Mr. U. B. Bondar

**CORAM : SMT. VIBHA KANKANWADI AND
SACHIN S. DESHMUKH, JJ.**

Date : 17th June, 2026

PER COURT :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. Since these petitions involve a similar set of facts and a common question, shall be decided by this common judgment. Writ petition No. 8329 of 2025 is taken as lead petition.

3. The Petitioner was appointed as a Primary Teacher by Respondent No. 2 (Zilla Parishad, Latur) vide an order dated 16.07.1992 against a vacancy reserved for the "Takankar" Scheduled Tribe category. The services of the petitioner were subsequently confirmed on 14.12.2009.

4. In view of a Government Circular dated 18.05.2013, the Respondents insisted on the submission of a Tribe Validity Certificate. The Petitioner challenged this insistence before this

Court in Writ Petition No. 2716 of 2014. By an order dated 17.11.2014, this Court allowed the petition and protected the Petitioner's services on the condition that he would not claim any future benefits of reservation or promotion. The Petitioner duly filed the required undertakings before the Scrutiny Committee and Respondent No. 2 on 08.12.2014.

5. Subsequently, the Petitioner retired from service upon attaining the age of superannuation on 30.06.2024. Following his retirement, the Block Education Officer, Udgir, forwarded a proposal for the release of pension and pensionary benefits to the Education Officer (Primary), Zilla Parishad, on 03.04.2024.

6. Although repeated representations were made, however, the Respondents have failed to release the regular pension and other retiral benefits. The Respondents have orally insisted that the Petitioner must submit a fresh proposal for verification and obtain a Tribe Validity Certificate before his pension can be sanctioned.

7. Aggrieved by the inaction and the insistence on a Validity Certificate which the Petitioner contends runs directly

counter to the service protection conferred by this Court vide order dated 17.11.2014, the Petitioner has approached this Court seeking a direction to immediately release his regular monthly pension, arrears and all other retiral benefits.

8. The learned counsel for petitioner Mr. Yeramwar submits that the Petitioner's services stand protected pursuant to order of this Court dated 17.11.2014 passed in Writ Petition No. 2716 of 2014. The Petitioner strictly complied with the Court's directions by submitting the necessary undertakings to both the Scrutiny Committee and the employer on 08.12.2014, explicitly waiving any future reservation or promotional benefits. Having rendered continuous, confirmed service until his superannuation on 30.06.2024, the Petitioner cannot be deprived of his earned pensionary benefits.

9. The learned counsel for petitioner further submits that the Respondents' insistence on a fresh Tribe Validity Certificate as a precondition for releasing retiral benefits contravenes the order of this Court.

10. The learned counsel for the Respondents Mr. Nangre

and Mr. Bondar representing the Zilla Parishads oppose the petition submitting that the petitioners were admittedly appointed against a seat reserved for the Scheduled Tribe category. It is contended that a Tribe Validity Certificate remains a prerequisite for verifying the legality of the initial appointment prior to sanctioning retiral benefits. Therefore, the Respondents argue that the request for a fresh verification proposal does not violate earlier orders but is a necessary step to finalize the pension papers.

11. Upon considering the submission advanced on behalf of both the sides and perusing the material on record, there is no debate that the petitioners were before this Court in Writ Petition No. 2297 of 2014 and 2716 of 2014 wherein this Court has observed in para No. 6 as under :

"6. The respondent Zilla Parishad / employer shall not take any adverse action against the petitioners only on the ground that they have not obtained validity certificate in respect of their tribe claim. The petitioners, henceforth, shall not claim any benefit of reservation either for promotion and in employment and for that matter in any walk of life. The petitioners shall file undertaking before the Committee that they will not claim benefit of reservation and as such the proceedings seeking validity should not be decided. The appropriate entry in accordance with the present order shall be recorded in the service-book of the petitioners and such undertaking shall also be filed by the petitioners with the employer."

12. The primary issue stands squarely covered in view of directions issued by this Court. Admittedly, the Petitioners' services were protected by an order dated 17.11.2014 in Writ Petition No. 2716 of 2014. The said order protected the Petitioners from any adverse action for want of a Tribe Validity Certificate, subject to the condition that petitioner would not claim further reservation benefits. The Petitioner fully complied with this stipulation by presenting undertakings before both the Scrutiny Committee and the Respondent-employer on 08.12.2014.

13. Having accepted the aforesaid directions and allowed the Petitioner to complete his service until superannuation on 30.06.2024, it is no longer open for the Respondents to contend the contrary the requirement of a validity certificate at the post-retirement stage.

14. The fact remains that the Government Resolution (G.R.) dated 15.06.1995 continues to be in vogue. As such, the consequential protection and benefits conferred by the State, to which the Petitioner is legally entitled, have been endorsed by this Court. Furthermore, this legal position is reinforced by the

treatment of similarly situated employees. In Writ Petition No. 903 of 2020, where an employee's tribe claim was invalidated by the Scrutiny Committee, this Court confirmed the service protection. The State assailed that order before the Hon'ble Apex Court in Civil Appeal No. 6212 of 2025, which eventually endorsed the view of this Court and dismissed the Special Leave Petition, placing reliance on Writ Petition No. 4318 of 2007 which has already attained finality.

15. In light of these peculiar facts and settled legal precedents, the action initiated by the Respondents in withholding the pensionary benefits of the Petitioner for want of a validity certificate is apparently unjustified.

16. The Respondents' contention that the prior order merely protected "service" but did not specifically direct the release of "pension" is a completely misleading. It is a well-settled principle of law that pension and pensionary benefits are not a bounty or a standalone gratuity; rather, they constitute deferred wages earned by an employee through long, uninterrupted and judicially protected service. Once the legality of the Petitioner's entire tenure until superannuation stands fully secured by order of this Court, all

consequential terminal benefits flow from it as an absolute, vested right. Withholding pensionary benefits on the ground of non-submission of a validity certificate effectively penalises the Petitioner after retirement, rendering the 2014 protection completely hollow.

17. The insistence of the Zilla Parishad authorities demanding a fresh verification proposal post-retirement is legally unsustainable, arbitrary and directly contradictory to the binding orders of this Court. Consequently, the action of the Respondents in withholding the regular monthly pension, accumulated arrears, and all terminal benefits is declared illegal.

18. The Respondents shall not insist on the submission of a Tribe Validity Certificate as a condition precedent for releasing the post-retirement benefits, in view of the finality attained to the said issue vide order dated 17.11.2014 in Writ Petition No. 2716/2014.

19. Resultantly, both the Writ Petitions are **allowed** in terms of prayer clauses (B) and (C).

20. The Respondent No. 2 (Zilla Parishad) is directed to forthwith process, grant and release the regular monthly pension,

accumulated pensionary arrears, and all other terminal benefits due to the Petitioner.

21. The exercise of calculating and disbursing the pensionary arrears and terminal benefits shall be completed within a period of eight (8) weeks from the date of this order.

22. Rule is made **absolute** in the above terms.

23. No order as to costs.

(SACHIN S. DESHMUKH)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

Omkar Joshi