

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

**WRIT PETITION NO. 3459 OF 2015**

**Sangita Hindurao Panorekar**

**...Petitioner**

*Versus*

**State of Maharashtra & Anr.**

**...Respondents**

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

Mr. V.N. Sagare, AGP, for Respondent No. 1.

Mr. Meelan Topkar, for Respondent No. 2.

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**CORAM : B.R. GAVAI AND  
RIYAZ I. CHAGLA, JJ.**

**DATE : 27 June 2017**

**ORDER :**

1 . The Petitioner claims protection of her services. The Petitioner, who belongs to Maratha community, was married to a person who belongs to Mahar Scheduled Castes in the year 1981. The Petitioner accordingly, obtained a certificate of belonging to Scheduled Castes. The Petitioner on the basis of *Sharayu*.

claim of belonging to Scheduled Castes sought an appointment with Respondent No. 2 against post reserved for Scheduled Castes. She was appointed. Her claim was sent to the scrutiny committee for considering the validity. The claim was invalidated and as such the service came to be terminated. Being aggrieved thereby, the Petitioner went before the learned School Tribunal. Appeal was rejected. The Writ Petition filed in this Court also came to be rejected.

2. The Petitioner has now come to this Court for a direction of services in view of the Full Bench judgment of this Court in *Arun s/o Vishwanath Sonavane Vs. The State of Maharashtra*<sup>1</sup>.

3. We find that the reliance placed by the Petitioner on the judgment of *Arun s/o Vishwanath Sonavane* (supra) is totally misplaced. The said judgment is applicable wherein the candidates, who were initially appointed against reserved category, were subsequently found to be not eligible on account

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<sup>1</sup> 2015(1) Mh.L.J. 457

of invalidation of their claim. The judgment of the Full Bench of this Court in the case of *Arun s/o Vishwanath Sonavane* (supra) follows the judgment of constitution bench of the Apex Court in *State of Maharashtra Vs. Milind & Ors.*<sup>2</sup>.

4 .           Such is not the case in the present matter. The issue as to whether a person belonging to forward community on getting married to backward class candidate is entitled to get benefit of a reserved category is concluded by the judgment of the Apex Court in *Mrs. Valsammappaul Etc vs Cochin University And Ors.*<sup>3</sup> The Apex Court has held that merely by marriage, a person otherwise belonging to forward community, does not become a member of a reserved category.

5 .           In that view of the matter, no case is made out for interference. The Writ Petition is rejected.

**[RIYAZ I. CHAGLA J.]**

**[B.R. GAVAI, J.]**

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<sup>2</sup> 2001(1) Mh.L.J. 1

<sup>3</sup> 1996(3) SCC 545