

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

36 WRIT PETITION NO.7893 OF 2013

Dropatibai Sudhakar Jakkulwar,
Age: 47 years, Occu: Service,
R/o. Taroda (Bk), Nanded,
Tq. & Dist. Nanded

...Petitioner

VERSUS

The State of Maharashtra & Ors.

...Respondents

...

Mr.P.V. Jadhavar, Advocate for Petitioner
Mr.M.M. Nerlikar, AGP for Respondent/State
Mr.S.D. Dhongade, Advocate for Respondent No.2

...

**CORAM : T.V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

DATED : 20th FEBRUARY, 2018.

ORAL JUDGMENT (PER – T.V. NALAWADE, J.) :

1. Rule. Rule made returnable forthwith. By consent of both the sides taken up for final disposal.

2. This petition is filed to challenge the communication dated 20.07.2013 and 22.08.2013 issued by Respondent No.3, Superintending Engineer Urdhwa Painganga Project-8 to the Petitioner by which the Petitioner is asked to submit the validity certificate of her caste claim. The Petitioner is appointed on compassionate ground as her husband died while in service. She came to be appointed on 06.05.1995 on the post of peon, Class-IV employee. Learned counsel for the Petitioner placed reliance on the decision delivered by this Court in Writ Petition No.2131/2011 (Rekha

Sayanna Totawar Vs. The State of Maharashtra and Ors.). In that case, this Court held that, if appointment was given on compassionate ground, the person, who was appointed on compassionate ground cannot be asked to submit caste validity certificate. In view of the decision of this Court and as the Petitioner got appointment only on compassionate ground scheme, the appointment on compassionate ground scheme this Court holds that she cannot be asked to produce caste validity certificate. However, it will be out of question for the Petitioner to get benefits as a candidate of reserved category, like promotion from that category etc.

3. Rule made absolute on the aforesaid terms.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE