

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.10231 OF 2017
IN WP/4916/2012 WITH WP/4916/2012

PADMAJA YASHWANT PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.A.S.Golegaonkar, Advocate for the applicant.
Mr.S.B.Yawalkar, AGP for respondent Nos. 1 and 3.
Mr.S.S.Tope, Advocate for respondent No.2.
Mr.U.B.Bondar, Advocate for respondent No.4.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)

DATE : JULY 29, 2021

PER COURT :

1. The applicant/petitioner has put forth prayer clause B and C as under :-

"B. To fix the matter for final hearing peremptorily and decide the same by considering urgency in the matter,

C. By way of interim relief, to direct the Respondent No.4 to consider claim of the petitioner for promotional post of Accounts Officer as she fulfills all the conditions requisite for promotion and also stands in seniority pending hearing and final disposal of the present writ petition."

2. The petitioner has preferred his petition in this Court after his claim of belonging to the "Thakur Scheduled Tribe" has been invalidated. By an order passed on 27/06/2012, this Court directed that no adverse action should be taken against the petitioner on the ground of invalidation of her tribe claim. The said ad-interim protection has continued for the past about 9 years. Recently, the Hon'ble Apex Court has delivered a judgment in the matter of Chairman and Managing Director FCI and others versus Jagdish Balaram Bahira and others [(2017) 8 SCC 670] vide which the Law has been crystallized that no relief would be granted to the litigants whose claims have been invalidated and even if they approached this Court. In this backdrop, we are not able to accept the prayer of applicant/ petitioner in terms of prayer clause "C" reproduced above.

3. This civil application is allowed only to the extent of prayer clause "B". List WP No.4916/2012 for final hearing at admission stage on 09/09/2021.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)