

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

**903 CIVIL APPLICATION NO.9474 OF 2021
IN WP/11948/2019
WITH
WP/11948/2019
WITH
CA/3792/2021 IN WP/11948/2019**

**THE REGIONAL PROVIDENT FUND COMMISSIONER I
VERSUS
SNEHAL RAVINDRA THAKUR AND OTHERS**

...
Advocate for Applicant : Mr.Chaudhari Nitin K.
AGP for Respondents-State : Mr.P.S.Patil
Advocate for Petitioner in W.P. : Mr.M.A. Golegaonkar
...

**COsRAM : R.D.DHANUKA, &
S.G. MEHARE, JJ.
DATE : 08th MARCH, 2022.**

PER COURT :

1. By this Civil application the applicant (original respondent No. 5) seeks modification and applies for vacating of the status-quo order passed by this Court, on the ground that on the date of filing of this application for the post of Social Security Assistant on 30.06.2019, the original petitioner did not have the caste validity certificate.

2. It is the case of the applicant that the caste claim of the petitioner/applicant was already invalidated by respondent No. 3 Committee on 25.06.2019 itself and thus, the original petitioner was not eligible to apply for the post of Social Security Assistant on the date of advertisement dated 27.06.2019 or even on 30.06.2019. The

petitioner has filed this petition only on 04th September, 2019 impugning the order passed by respondent No. 3 Committee on 25.06.2019. It is the case of the petitioner that a copy of the said order dated 25.06.2019 was issued to the petitioner only after 30.06.2019. The petitioner was not aware of the said order dated 25.06.2019, when the petitioner applied for the said post on 30.06.2019.

3. Learned counsel for the petitioner invited our attention to the undertaking filed by the petitioner on 23rd February, 2021 stating that the petitioner had filed a Civil Application in the pending Writ Petition and the undertook to produce the caste validity certificate, as early as possible after the decision of this Court in the Writ Petition. It is submitted that only after the said undertaking dated 23rd February, 2021 filed by the petitioner, the respondent No. 3 has issued conditional appointment order dated 23.02.2021 in favour of the petitioner.

4. Per contra, learned counsel for the applicant (Original respondent No. 5) states that there was no caste validity certificate in favour of the petitioner on the date of filing of her application in response to the advertisement dated 27th June, 2019 and thus, the petitioner has secured the employment by suppressing the material facts.

5. In view of the fact that the petitioner has received copy of the order dated 25th June, 2019, after the date of the petitioner having applied for said job on 30th June, 2019, prima-facie there is no suppression of any material facts by the petitioner in her application filed on 30th June, 2019.

6. Be that as it may be, in this interim application filed by the respondent No. 5, there is no ad-interim-order passed by this Court till date.

7. For the facts pointed out, we deem it appropriate that the writ petition be heard finally.

8. Civil Application No. 9474 of 2021 is accordingly dismissed.

9. Place the Writ Petition, for final disposal on 13th April, 2022.

10. Parties are at liberty to file brief written proposition of law along with copies of judgments on which they propose to rely upon in support of their rival contentions and serve a copy on the other side in advance.

(S.G. MEHARE, J.)

(R.D.DHANUKA, J.)