

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

**984 WRIT PETITION NO.10394 OF 2023**

**HIMANSHU MAHENDRA HINGONEKAR  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. Mahajan Lalitkumar S.  
AGP for Respondents/State : Mr. S.G. Karlekar  
Advocate for R/3 : Mr. A.B. Girase

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**CORAM : RAVINDRA V. GHUGE &  
Y.G. KHOBRADE, JJ.  
DATE : 23<sup>rd</sup> August, 2023**

**PC. :-**

1. The Petitioner is a compassionate appointee having secured appointment on 11.04.2022 as a Class-IV employee with the Respondent-University. His father was a permanent employee of the University who passed away on 08.08.2014. His father secured employment on a post which was reserved for the backward class category. His father tendered a validity certificate of belonging to the Scheduled Caste category and his employment was secured. The impugned notice dated 07.08.2023 issued by the University directs the Petitioner that if he does not tender the validity certificate by 07.09.2023, his appointment on compassionate basis would be cancelled.

2. We have considered the strenuous submissions of the learned advocate for the University and the learned AGP who have strenuously opposed this petition. The University contends that unless a validity certificate is tendered, the Petitioner's service cannot be continued. So also, the police verification is necessary or else the Petitioner would be terminated. The learned AGP submits that the Petitioner cannot escape the law of establishing his social status if the case of his father is subjected to the reopening of his validation case.

3. The Full Bench of this Court has delivered a judgment in **Om Bhagwanro Anjanwad V/s. The State of Maharashtra & Anr.; 2022 (4) Mh.L.J. 723**, concluding therein that if the original job holder has secured employment on the basis of his social status on a post reserved for the backward category and has tendered the validity certificate during his service period, the dependent who secures compassionate appointment, will not be required to re-establish his social status.

4. In view of the above, **this petition is partly allowed**. The direction of the University that the service of the Petitioner would be brought to an end after 07.09.2023, is quashed and set aside. Considering the law laid down in **Om Bhagwanro Anjanwad** (supra), the Petitioner's service would continue

unless there are any invalidation from his paternal side on the basis of which his father had acquired the validity certificate. In addition, we direct the caste scrutiny committee to decide the claim of the Petitioner by following the due procedure laid down in law and in the light of the judgment delivered by the Hon'ble Supreme Court in **Mah. Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra & Ors.; AIR 2023 SUPREME COURT 1657** and decide the claim of the Petitioner on or before 30.04.2024.

5. Needless to state, if the police verification report is adverse to the Petitioner, the University would be at liberty to follow the due procedure laid down in law and initiate appropriate steps.

[Y.G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]