

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

920 WRIT PETITION NO.11138 OF 2023

**SAKSHI DILIP SHINDE
VERSUS
DIRECTOR IN-CHARGE, DIRECTORATE OF GOVERNMENT PRINTING
STATIONERY AND PUBLICATION AND OTHERS**

...

Advocate for Petitioner : Mr. Ameya N. Sabnis
AGP for Respondents State: Mr. A. V. Deshmukh

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 14th September, 2023

ORDER:

1. The Petitioner seeks a direction to the Committee to decide her claim of belonging to 'Thakur' Scheduled Tribe Category. She has secured compassionate appointment in place of her father as a Process Assistant in the Government Printing Press. Her father's claim had been invalidated. He had filed Writ Petition No. 6925 of 2013 for challenging his invalidation. By a judgment dated 27.01.2015, the said Petition has been disposed off with a direction that the Respondents shall not take adverse action against the Petitioner and he would not claim benefits of reservation, either for promotion or in any walk of life. The Committee was permitted to cancel and confiscate his tribe certificate and entry of the same to be taken in his service book.

2. The learned Advocate for the Petitioner submits on instructions that the Petitioner may file an Affidavit to the employer and declare that she should be treated from the open category and she will not claim any benefit from the reserved category. If it is advised, she may also approach the Committee and pray for closing of her proposal by which she had sought validation of her tribe claim.

3. The learned Advocate for the Petitioner has tendered an Affidavit undertaking of the Petitioner dated 14.09.2023 declaring that she desires to withdraw her tribe claim as belonging to 'Thakur' Scheduled Tribe and she would not claim any benefit of the said social status in her service career and would be treated as being from the open category. The said affidavit is taken on record and marked "X" for identification.

4. The Petitioner is a compassionate appointee. Her father passed away with an invalidation order passed by the Committee. He took a similar stand before the High Court and his Writ Petition No. 6925 of 2013 for challenging his invalidation was disposed off by judgment dated 27.01.2015. He declared that he would not claim benefits of reservation any time in his service career. The tribe certificate was cancelled and the entry was taken in his service book.

5. In this backdrop, the Petitioner desires to give up her claim of belonging to 'Thakur' Scheduled Tribe. Having been granted employment on compassionate basis, she desires to be treated as being from the open category.

6. In view of the above, the statement is recorded in the light of the affidavit 'X'. The Petitioner is at liberty to approach the Committee and withdraw her claim.

7. In this fact situation, there would be no question of either the Petitioner being subjected to any action or she losing her employment.

8. An entry would be recorded in the service book of the Petitioner that she is from the open category.

9. With these observations, **the Petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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