



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3317 OF 2024

Ragini Baliram Chenalwad

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

Mr. C. R. Thorat, Advocate for the Petitioner

Mr. A. A. A. Khan, AGP for the Respondent/State

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 1st April, 2024

PER COURT :-

1. The Petitioner claims to be a selected candidate for the post of 'Shikshan Sevak' and is at Sr. No. 536. She has been selected from ST (Women) under the horizontal reservation category. She has put forth two prayers. Firstly, that the Committee be directed to decide her pending Scheduled Tribe claim within a timeline and secondly, she be granted an appointment order with the issuance of a Writ of Mandamus.

2. In service matters, a Writ of Mandamus is normally not issued for directing any party to issue an appointment order since selection does not give any right to appointment. However, the exception to this law is that if all the candidates above the Petitioner in the merit list and even if one candidate below the Petitioner, are issued with appointment orders, the Petitioner has a right to seek a Writ of

Mandamus.

3. In the instant case, the Petitioner has not made any such statement in the Petition. She, however, contends that the law laid down in *Shrikant Chandrakant Saindane and others Versus The State of Maharashtra and Others, 2012(4) All MR Page No. 658*, wherein this Court has ruled that a candidate from the Scheduled Caste/Scheduled Tribe of the reserved category cannot be deprived of an appointment order only because the claim for seeking a validity certificate is pending.

4. In view of the above, **this Petition is disposed off** with the following directions:

(A) The claim of the Petitioner of belonging to *Mannervarlu* Scheduled Tribe category pending with Respondent No.4, be decided on or before 31st December, 2024, keeping in view that the original Tribe certificate is tendered by the Petitioner on 13th March, 2024 and the Vigilance Cell inquiry is still pending.

(B) The Petitioner's E-mail address is "raginichenalwadgo@gmail.com" and the WhatsApp Mobile Number is "8767788034". She agrees to entertain correspondence with the Committee via E-mail and/or WhatsApp. Such correspondence would be considered to be proper service.

(C) The Petitioner shall render whole hearted cooperation to the Committee and shall refrain from seeking adjournments on unreasonable or trivial grounds.

(D) The pendency of the Petitioner's claim shall not be an impediment for Respondent No.3 Zilla Parishad, Kolhapur in issuing the appointment order of 'Shikshan Sevak' to the Petitioner.

(E) Since three years probation period is prescribed for a 'Shikshan Sevak', the Petitioner shall not be granted regularization as an Assistant Teacher, until her claim is validated.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp