



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9310 OF 2024
IN WP/14121/2021

PRATIKSHA PANDITRAO THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHER

....

Mr. D. B. Shinde, Advocate for the Petitioner
Mr. S. R. Wakale, AGP for Respondent Nos. 1 and 2

....

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

DATE : 27.09.2024

PER COURT :-

1. The Applicant has put forth prayer clauses (B) and (C), as under:-

“(B) The Respondent No.3 may kindly be directed to consider the applicant/petitioner for promotion irrespective of the pendency of her tribe claim before this Hon’ble Court, if she is otherwise eligible.

(C) The Writ Petition may kindly be heard for final disposal considering the fact all the documents submitted by the petitioner are in respect of Thakur Scheduled Tribe and there is no contra entry in the documents.”

2. The Petitioner's claim of belonging to 'Thakur' Scheduled Tribe category has already been invalidated. The Writ Petition is pending before this Court. Adverse action is restricted.

3. Considering the law laid down in *Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others, (2017) 8 SCC 670*, the Petitioner cannot be granted further service benefits in the backdrop of her tribe claim having been invalidated. Only if the Petitioner's claim is validated by this Court, she cannot continue to claim further service benefits. As such, the **Civil Application is rejected.**

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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