



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4760 OF 24

Rekha Piraji Kottawar ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

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

CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ
DATE : MAY 10, 2024

PER COURT :

1. This is a motion for speaking to the minutes of the order dated 07.05.2024.

2. It is pointed out in the light of the pleadings in paragraph 1 of the Petition that the Petitioner was selected from the "Scheduled Tribe (Women- **Sports**) under the horizontal reservation category". The word "**Sports**" is missing.

3. The motion for speaking to the minutes is disposed off. The words "**Sports**" be added in front of the word "Women", into brackets. Corrected order be uploaded.

(R. M. JOSHI, J)
Malani

(RAVINDRA V. GHUGE, J)

(This order dated 07.05.2024 stands corrected and uploaded in view of the order dated 10.05.2024 passed on motion for Speaking to the Minutes of the Order)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

58 WRIT PETITION NO. 4760 OF 2024

REKHA PIRAJI KOTTAWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

...

Shri Thorat Chandrakant R., Advocate for the Petitioner.

Shri S.R. Yadav Lonikar, AGP for Respondent Nos.1, 2 and 4/State.

...

CORAM : RAVINDRA V. GHUGE

&

R.M. JOSHI, JJ.

DATE :- 07th May, 2024

Per Court :-

1. The Petitioner claims to be a selected candidate for the post of 'Shikshan Sevak' and is at Sr. No. 577. She has been selected from Scheduled Tribe (Women (**Sports**)) 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/ reserved category cannot be deprived of an appointment order only because the claim for seeking a validity certificate is pending.

4. The copy of the affidavit dated 06.05.2024 is placed on record by the Petitioner (02 pages), which is marked as 'X' for identification.

5. We have recorded the statements made in the affidavit 'X', as the statements made to the Court and if these statements turn out to be false, the Petitioner can be prosecuted for perjury. In the said affidavit, a family tree

is set out on the second page. A statement is made that Gangadhar Piraji and Narsing Piraji are biological brothers of the present Petitioner Rekha. Both these siblings have been granted the validity certificates by the competent Committee.

6. In view of the above, this **Writ 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 30th April, 2025,

(B) The Petitioner’s E-mail address is “lolapodnagorao@gmail.com” and the WhatsApp Mobile Number is “9960781540”. She agrees to enter into correspondence with the Committee via the above 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.

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(R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)