



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

WRIT PETITION NO. 5893 OF 2024

**PALLAVI JAYRAJ SAPKAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr. C. R. Thorat, Advocate for Petitioners

Mr. S. J. Salgare, AGP for Respondent – State

....

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

DATE : 21.06.2024

PER COURT :-

1. Since one of the selected candidates at Serial No.11, namely, Nilkanth Ramdas Boinwad, has not even tendered a proposal for verification of his reserved category, the Petitioner no.11 desires to withdraw this Petition with liberty to file a fresh Petition after the proposal is tendered for seeking validation.

2. The Petitioners from serial Nos. 1 to 10 and 12, have been selected as Shikshan Sevak as per the final selection list dated 25.02.2024, published by the Zilla Parishad. The select list

has been published and these Petitioners are selected to the posts which are reserved for Scheduled Tribe categories.

3. 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 Petitioners in the merit list and even if one candidate below the Petitioners are issued with appointment orders, the Petitioners have a right to seek a Writ of Mandamus.

4. In the instant case, the Petitioners have not made any such statement in the Petition. However, the purport of the law laid down in Shrikant Chandrakant Saindane and others Versus The State of Maharashtra and Others – 2012(4) All MR Page No.658, is 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.

5. In view of the above, **this Writ Petition is disposed off** to the extent of Petitioner Nos. 1 to 10 and 12, with the following directions:-

- (a) The pending claims of the Petitioners, of belonging to various Scheduled Tribe Categories, with Respondent Nos. 4 and 5, shall be decided on or before 30.09.2025.
- (b) Each of these Petitioners would tender their e-mail addresses and their WhatsApp cell numbers, without any mistakes, to the Competent Committee, within ten days from today.
- (c) Correspondence in connection with these pending proposals between the Petitioners and the Committee, would be permissible through e-mail and WhatsApp.
- (d) If any e-mail or WhatsApp number is found to be erroneous, the Petitioner will not be entitled to raise any grievance on the ground that he or she did not receive any communication from the Committee.
- (e) The Petitioners shall render wholehearted cooperation to the Committee and shall refrain from seeking adjournments on unreasonable or trivial ground, else, the Committee would be justified in progressing to the further stages in the proceedings.
- (f) Considering the law laid down in **Shrikant Chandrakant Saindane (supra)**, the Zilla Parishad, Solapur, would proceed to issue the appointment orders of Shikshan Sevak to these 11 Petitioners.

- (g) We direct, that none of these Petitioners would be confirmed in employment and would not be eligible for any further service benefits, except their salary as a Shikshan Sevak, until their claim is validated either by the Committee or by any Court. This direction is issued with the consent of the Petitioners.
- (h) The Petitioners shall serve a copy of this order on the Chief Executive Officer, Zilla Parishad, Solapur, within 15 days from today.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS