



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6393 OF 2024

ASRA ABDUL RAUF

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

....

Ms A. S. Jadhav, Advocate for the Petitioner

Mr. M. M. Nerlikar, AGP for Respondent Nos. 1, 2 and 4

Mr. S. S. Chapalgaonkar, Advocate for Respondent No. 3

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

DATE : 27.09.2024

PER COURT :-

1. On 01.07.2024, we had passed the following order:-

“1. Issue notice to the Respondents, returnable on 29.07.2024. The learned AGP waives service of notice on behalf of Respondent Nos. 1, 2 and 4.

2. The Petitioner’s caste is, “Raj”, falling in the S.T. category. The Petitioner was selected for the post of Junior Teacher from the S.T. category, by the Municipal Corporation. Though she was eligible and declared as selected, she has been subsequently disqualified since she does not have the tribe validity certificate.

3. Clause 22 of the appointment order dated 10.06.2024 issued to some other candidates indicates that those belonging to the backward classes, would be issued appointment orders and they would submit their validity certificates within six months.

4. *Reliance is placed on **Shrikant Chandrakant Saindane Vs. State of Maharashtra and others – 2012(1) Mh.L.J. 787**, wherein this Court has ruled that if the claim is pending validation, a person belonging from the reserved category should not be deprived of appointment.*

5. *As such, we direct Respondent No.3 to keep one post of an Assistant Teacher from the reserved category for the Scheduled Tribe category (woman), vacant, until further orders.*

6. *All office objections to be removed on or before 23.07.2024, failing which the Petition shall stand dismissed without reference to the Court, on 24.07.2024.*

7. *The pendency of this Petition would not be an impediment for the Competent Committee to proceed with the validation proceedings of the Petitioner.”*

2. The learned AGP submits on instructions that the pending claim of the Petitioner would be decided by 31.12.2024.

3. In view of the law laid down in **Shrikant Chandrakant Saindane Vs. State of Maharashtra and others, 2012(1) Mh.L.J. 787 (supra)**, Respondent no.3 will issue a probation appointment order to the Petitioner, subject to the result of her claim for validity.

4. The Petitioner shall file an affidavit undertaking to Respondent No.3 and in this Court, stating therein that until her claim for validation is not allowed, either by the Committee or by this

Court, in short, until she receives the validity certificate, she should continue to remain on probation and would not seek confirmation, wage rise, revised pay scale, promotion, service benefits, etc.

5. Let such affidavit be tendered in this Court and be also tendered to Respondent No.3, on or before 15.10.2024.

6. Needless to state, if the Petitioner's claim is validated either by the Committee or by this Court and if she has successfully completed her probation, she would be eligible for further service benefits.

7. The Petitioner shall co-operate for the expeditious decision in her proceedings and for easy correspondence, she tenders her e-mail address as asraasma408@gmail.com and WhatsApp number as 8180927660. The Committee and the Petitioner would enter into correspondence through e-mail/WhatsApp.

8. With the above directions, **the Writ Petition is disposed off.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS