



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

943 WRIT PETITION NO. 6244 OF 2024

**RAJESH RATAN REDDY
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE PRINCIPAL SECRETARY AND OTHERS**

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Advocate for the Petitioner : Mr. Jadhav Hanumant P
AGP for Respondents/State : Ms. Neha Kamble
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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 27th June, 2024**

PC. :-

1. The Petitioner's father secured employment with the MSEDCL on a post that was reserved for the Scheduled Tribe category. The father of the Petitioner claimed to belong to the Mannervarlu Scheduled Tribe. He did not submit his validity certificate. The Petitioner joined employment on compassionate basis after his father died on 26.09.1989, by virtue of the appointment order dated 25.04.1990. The Petitioner's claim for validation was lodged in 2013, which was rejected on the basis of territorial jurisdiction in 2014. Thereafter, the Petitioner has lodged a fresh proposal in 2022. The learned AGP submits that the said application is still incomplete. The learned advocate for the Petitioner submits that he is not aware about the deficiencies.

2. The Full Bench of this Court in **Om Bhagwanrao Anjanwad vs. State of Maharashtra and another; 2022 (4) Mh.L.J. 723**, has concluded that if the parent has not submitted a validity certificate while in service and an LR is appointed on compassionate basis, such appointee is under an obligation for tendering the validity certificate and if such validity certificate is not deposited by the compassionate appointee, the appointment cannot be sustained.

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

a) The Petitioner shall approach the committee at Aurangabad on 08.07.2024 at 12.00 noon. He shall note the deficiencies in the proposal and cure the deficiencies within 30 days.

b) If the above direction is not complied with, the proposal of the Petitioner would be rejected and the Petitioner would be liable to suffer the consequences.

c) Subject to the above, the Petitioner would tender his e-mail address and his WhatsApp cell number to the committee in his own handwriting, for easy correspondence. If the e-mail address or the cell number is wrong, the committee would not be responsible and would be at liberty to progress to the next stages in the proceeding.

d) The committee shall decide the claim of the Petitioner, on or before 31.03.2025.

e) The Petitioner shall file an affidavit undertaking within 21 days, that he would not be entitled for further increment / pay fixation / promotion / service benefits including post service benefits (retiral) etc., until his claim is validated by the Committee or the Court, as the case may be.

4. The learned advocate for the Petitioner submits on instructions that the Petitioner is agreeable with the above conditions and would abide by the same. However, his service may be protected until the claim is validated. The said request is accepted and we direct the Company not to terminate the service of the Petitioner in view of the above directions. A copy of the affidavit undertaking shall also be tendered to the employer, within 21 days, setting out the above statement that he will not be eligible for increment / pay fixation / promotion / service benefits including post service benefits (retiral) etc.

[Y.G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]