



(1)

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

961 WRIT PETITION NO. 7307 OF 2024

ZAFAR KHAN ZAMAN KHAN

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

....

Mr O. D. Totawad, Advocate h/f Mr C. R. Thorat, Advocate for
Petitioner;

Mr S. R. Yadav Lonikar, A.G.P. for Respondents/State

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRADE, JJ.

DATE : 16th July, 2024

PER COURT:

1. The Petitioner is at Sr. No.53, in the select list for appointment to the post of 'Shikshan Sevak', as per the final selection list, dated 25/02/2024, published by Respondent No.3/Zilla Parishad, Ratnagiri. He is not being issued with an appointment order only for the reason that, though he has a tribe certificate belonging to the 'Tadvi' Scheduled Tribe category, he does not have the validity certificate. He has tendered his claim for validation on 14/06/2024, to the Scrutiny Committee.

(2)

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. However, the purport of the law laid down in **Shrikant Chandrakant Saindane and others Versus The State of Maharashtra and Others, [2012 (4) All M.R. 658]**, is that a candidate from the Scheduled Caste/ Scheduled Tribe or the reserved category, cannot be deprived of an appointment order only because the claim for seeking a validity certificate is pending.

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

(3)

(a) As per the statement of the learned A.G.P., the claim of the Petitioner shall be decided on or before 30/06/2025.

(b) For easy correspondence, the Petitioner tenders his Email address as 'zafarpathan313@gmail.com' and WhatsApp Cell Number as '9881704828'.

(c) Correspondence in connection with this pending proposal between the Petitioner and the Committee, would be permissible through E-mail and WhatsApp Cell Number.

(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 did not receive any communication from the Committee.

(e) The Petitioner shall render wholehearted cooperation to the Committee and shall refrain from seeking adjournments on unreasonable or trivial ground, lest, the Committee would be justified in progressing to the further stages in the proceedings.

(4)

(f) Considering the law laid down in **Shrikant Chandrakant Saindane (supra)**, the Zilla Parishad, Ratnagiri, would proceed to issue the appointment order of 'Shikshan Sevak' to the Petitioner.

(g) We direct that this Petitioner would not be confirmed in employment and would not be eligible for any further service benefits, except his salary as a 'Shikshan Sevak', until his claim is validated, either by the Committee or by any Court. This direction is issued with the consent of the Petitioner.

(h) The Petitioner shall serve a copy of this order on the Chief Executive Officer, Zilla Parishad, Ratnagiri, within 15 days from today.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk