



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7380 OF 2024

SUMAIYA NASAR KHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. P. V. Jadhavar, Advocate for Petitioner
Mr. R. K. Ingole, AGP for Respondent – State

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

DATE : 18.07.2024

PER COURT :-

1. The Petitioner's claim for validation of Tadvi Scheduled Tribe, is pending validation proceedings before the Committee, since 31.08.2015. Recently, she has been selected as an Assistant Engineer with the Transmission Company, Respondent No.3. She is not issued with an appointment order despite having been selected, only because she does not have a tribe validity certificate. Reliance is placed on the judgment delivered by this Court in *Shrikant Chandrakant Saindane and Others Vs. The State of Maharashtra and others, 2012(4) All M.R. 658*.

2. It is well settled that selection of a candidate does not give any right to appointment. It is only when a candidate below the select rank of the Petitioner is appointed and all above the Petitioner are also appointed, that would give a right to the candidate to claim an appointment order by issuing a Writ of Mandamus.

3. The learned AGP submits that the claim would be decided by 31.01.2025, if the Petitioner cooperates.

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

- (a) The pending claim of the Petitioner, of belonging to Tadvi Scheduled Tribe Category, with Respondent No.2, shall be decided on or before 31.01.2025.
- (b) The Petitioner would tender her e-mail addresses and her WhatsApp cell number, without any mistakes, to the Competent Committee, within ten days from today.
- (c) Correspondence in connection with the pending proposal between the Petitioner 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 she 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, 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 Transmission company, would proceed to issue the appointment order of Assistant Engineer to the Petitioner.
- (g) We direct, that the Petitioners would not be confirmed in employment and would not be eligible for any further service benefits, except her salary as an Assistant Engineer, until her 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 Respondent No.3, within 21 days from today.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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