



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO. 10144 OF 2024

MANESH SANGRAM YEOTIKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for petitioner : Mr. S.M. Vibhute
AGP for the respondent – State : Mr. S.R. Yadav - Lonikar
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 24 SEPTEMBER 2024

ORAL ORDER (MANGESH S. PATIL, J.) :

The petitioner has applied through Pavitra Portal, being operated by the Education Department of the State government. He was interviewed by respondent no. 6 – management from Satara, District – Satara. He has been aspiring to be selected on a post reserved for scheduled tribe and is soliciting a writ of *mandamus* with the only prayer as under:-

“(B) The respondent no. 5 Education Officer may kindly be directed to issue No Objection to respondent no. 6 Institution for appointment of the petitioner as Teacher, being the petitioner has been duly selected and held eligible for said post from ST category in Recruitment of 2022 i.e. Pavitra Portal conducted by the respondent no. 1, 3 and 4, without insisting for tribe validity certificate, per the provisions of Government Resolution dated 12/12/2011 and allow the petitioner to join said services.”

2. Learned AGP, on the last date, raised a preliminary objection regarding maintainability of the writ petition at this bench,

since no part of cause of action has arisen within the territorial limits of this bench.

3. Learned advocate for the petitioner today places on record a division bench judgment of this Court in a reference in Criminal Application no. 787 of 2019 in Criminal Appeal no. 295 of 2019 decided on 24-04-2024 (***Rahul Sanjay Shingade Vs. The State of Maharashtra***) and particularly the observations therein by way of reference from the decision of the Supreme Court in the matter of ***Nasiruddin Ramai Vs. State Transport Appellate Tribunal, State of UP, 1975 (2) SCC 671***. Learned advocate would submit that petitioner is resident of Nanded and had applied through Pavitra Portal which is operational across the State and it is only incidentally that he was interviewed by respondent no. 6 – management at Satara and for want of tribe validity certificate, the appointment has been held back. He would, therefore, submit that he was selected while being resident at Nanded and part of cause of action has arisen at Nanded which falls within the territorial limits of this bench.

4. Per contra, learned AGP would cite the decision of a co-ordinate division bench in the matter of ***Sachin Chhotu Pawar V. The Collector Raigad and others*** (writ petition no. 3719 of 2019 and connected matter decided on 15-05-2020).

5. Admittedly, by virtue of chapter XXXI of the Bombay High Court Appellate Side Rules, the petitions arising out of the territorial limits of this bench comprising of the notification in respect of the districts from Marathwada region and subsequent notification for the adjoining districts – Jalgaon, Dhule, Nandurbar and Ahmednagar which were also annexed to this bench, would lie before this bench.

6. Though petitioner is resident of Nanded falling within the territorial limits of this bench, going by the prayers he is making and on facts, wherein though it was Pavitra Portal available to be seen throughout the State, he was interviewed by respondent no. 6 – management at Satara and is now soliciting a writ of *mandamus* against the Education Officer from Satara district to direct the management for giving him appointment in tune with the government resolution dated 12-12-2011. This would demonstrate that no part of the cause of action has arisen within the territorial limits of this bench. The matter would apparently lie to the Principal Seat of the High Court.

8. Petition is dismissed with liberty to the petitioner to file separate petition before the Principal Seat, on the same cause of action.

[SHAILESH P. BRAHME]
JUDGE

arp/

[MANGESH S. PATIL]
JUDGE