



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10589 OF 2024

Komal Khandu Chingurwad

VERSUS

The State of Maharashtra and others

...

Advocate for the Petitioner : Mr. Chandrakant R. Thorat

AGP for Respondents: Ms. Neha Kamble

.....

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

DATED : 1st OCTOBER, 2024.

PER COURT :-

1. Leave to delete Respondent No.3 and re-arrange the Respondents with chronological order.

2. The Petitioner is at Sr. No.01, in the select list for appointment to the post of 'Anganwadi Supervisor', as per the final selection list, dated 27.07.2024, published by Respondent No.3/Zilla Parishad, Ratnagiri. She is not being issued with an appointment order only for the reason that, though she has a tribe certificate belonging to the "Koli Mahadev" Scheduled Tribe category, she does not have the validity certificate. She has tendered her claim for validation on 24.09.2015, to the Scrutiny Committee.

3. 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. In the instant case, the Petitioner is at sr.no.1.

4. 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.

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

(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 her Email address as 'chingurwadkomal96@gmail.com' and WhatsApp Cell Number as '7378603616'.

(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 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, lest, 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 Zilla Parishad, Ratnagiri, would proceed to issue the appointment order of 'Anganwadi Supervisor' 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 her salary as a 'Anganwadi Supervisor', 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 the Chief Executive Officer, Zilla Parishad, Ratnagiri, within 15 days from today.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE , J.)