



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17039 OF 2024

Pallavi Digambar Ratool @
Pallavi Mandar Thumbare

...Petitioner

Versus

State Of Maharashtra
Through Its Secretary And Ors.

...Respondents

...

Adv. C. K. Bhangoji for the Petitioner.
Adv. Sulbha Chipade, AGP for Respondent Nos. 1 & 2.
Adv. Ajit M. Savagavefor Respondent Nos. 3 & 4.

...

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 12th DECEMBER, 2024

Per Court :-

1. The Petitioner's claim of belonging to the Thakar Scheduled Tribe Category is pending adjudication with the Competent Committee after it was tendered on 16th October, 2024. She has been selected to join as a Staff Nurse with Respondent No. 3 and 4. Her biological brother has been granted a validity certificate by this Court vide judgment dated 4th January, 2023 in Writ Petition No. 15122 of 2022. A biological cousin nephew from the paternal side has also been granted the validity

certificate by the order of this Court, dated 16th November, 2022 in Writ Petition No. 13551 of 2022. The grievance is that the Petitioner is not being issued with an appointment order since she does not have a validity certificate.

2. The Petitioner's reliance on *Shrikant s/o Chandrakant Saindane vs State of Maharashtra And Ors. [2012 (1) Mh.L.J. 787]*, is well placed. The Petitioner further relies upon a judgment of this Court delivered in *Anjali Vithalrao Jukte vs. State of Maharashtra And Ors. [2024 SCC OnLine BOM 937]*.

3. The learned Advocate appearing on behalf of Respondent Nos. 3 and 4 submits that the Petitioner has now been issued with a provisional appointment order, dated 1st December, 2024. Copy of the same is placed on record which is marked as 'X' for identification.

4. In view of the above and to balance the equities, we record that the Petitioner would continue to be on probation until her claim is validated either by the Committee or by this Court (if the Committee delivers an adverse order) and she would not be entitled for increments/pay revision/promotions/service benefits, etc. until such claim

is validated. Needless to state, if her claim is granted, she would be entitled for all service benefit with retrospective effect.

5. Considering that the biological brother of the Petitioner has been granted a validity certificate under the order of this Court and the cousin nephew has also received a similar order from this Court, we direct the Committee to deal with the claim of the Petitioner in the light of the said two judgments of this Court and decide the claim on or before 31st May, 2025.

6. With the above directions, **this Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)