



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 255 OF 2022

Ku.Kaveri Ramrao Raut

-Vs.-

The State of Maharashtra and others

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders      Court's or Judge's Orders.  
or directions and Registrar's orders.  
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Mr.Anand Parchure, counsel for the petitioner.  
Mr.A.M.Joshi, AGP for the respondents-State.  
Mr.A.W.Paunikar, counsel for respondent Nos.3 and 4.

**CORAM : AVINASH G. GHAROTE &  
SMT. M. S. JAWALKAR, JJ.**

**DATE : 2<sup>ND</sup> APRIL, 2024**

The present petition questions communication dated 06/09/2021 (pg.38), whereby the petitioner has been communicated, that though her name was included in the select list, however, in view of the decision of the Hon'ble Apex court in **State of Maharashtra v. Keshao Vishwanath Sonone**, reported in **2020 SCC OnLine SC 1040** the tribe "Gond Gowari", does not fall within the Scheduled Tribes, her candidature cannot be considered.

2. Mr.Parchure, learned counsel for the petitioner, by placing reliance upon para-104 in the judgment in **Keshao Sonone** (supra), contends that the petitioner is entitled for protection of her employment as according to him, inclusion of the name of the petitioner in the select list would mean that the employment stands secured.

3. The learned AGP, supports the impugned communication by contending, that since the petitioner was not appointed, it cannot be said that the petitioner has secured appointment and therefore, was entitled to protection.

4. On account of the judgment of this Court in **Keshao Vishwanath Sonone v. State of Maharashtra**, reported in **2018 (5) Mh.L.J. 468**, the tribe 'Gond Gowari' was held to be included in the Scheduled Tribe Presidential Notification as a result of which the petitioner claiming to be belonging to the said tribe had applied for the validation of her tribe claim. The petitioner was granted tribe validity on 24/07/2020 (Pg.16). On 26/12/2019, there was an advertisement published for the post of Shikshan Sevak in which the petitioner had applied and was selected and was placed at Sr.No.135 of the select list. On 15/09/2020, document verification was done. However, the selection committee in its meeting dated 10/03/2021 (Pg.36), being aware of the decision of the Hon'ble Apex Court in **Keshao Sonone** (supra) reversing the judgment of this Court held, that since the petitioner did not have a scheduled tribe status, her claim for appointment could not be considered. It is in pursuance to this, by the impugned communication dated 06/09/2021, (Pg.38), that the said decision was communicated.

5. The Hon'ble Apex Court in **Keshao Sonone** (supra) in para-104 has granted protection to those persons, who have taken admission and secured employment, who were

members of the “Gowari” Community, on the basis of Scheduled Tribe certificate, granted to them, between 14/08/2018 and 18/12/2020. Though it is true that the petitioner on the basis of the validity granted by the Caste Scrutiny Committee was selected and her name was included in the select list at Sr.No.135, in our considered opinion that would not fall within the expression “employment secured”, as mere inclusion in a select list, by itself cannot be held to mean that the employment has been granted. All that it indicates is that the person whose name is included in the select list, would be entitled to claim appointment as an when the opportunity/vacancy arises. In the instant case, even before the appointment was made, the District Selection Committee Gadchiroli in its meeting dated 10/03/2021 taking a note of the judgment of the Hon’ble Apex Court in **Keshao Sonone** (supra) has decided that the petitioner has rendered herself ineligible to be considered for appointment. This is one specific example where in spite of the name of a person being included in the select list denial of appointment has resulted on account of events which have transpired consequent to the inclusion of the name of the petitioner in the select list. We therefore are fortified in our opinion by the specific position in the present petition itself that mere inclusion of the name in the select list by itself would not mean that employment has been secured. We are therefore unable to agree with the contention of the Mr.Parchure, learned counsel for the petitioner, that the petitioner would be entitled to the protection as contemplated by para-104 by the Hon’ble Apex Court in **Keshao Sonone** (supra). This is

more so, in view of prayer clause 2 in the petition which seeks a direction to the respondents to grant an appointment order to the petitioner as Shikshan Sevak on account of her selection. The petition is without any merits and is therefore, rejected. No costs.

**(SMT.M.S.JAWALKAR, J)**

**(A.G.GHAROTE, J)**