



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.267 OF 2025

Swapnil Chandrakant Bhandare

... **PETITIONER**

VERSUS

1. The State of Maharashtra through
Secretary to Rural Development
Department, Mantralaya, Mumbai
2. The Schedule Tribe Certificate
Verification Committee, Chh. Sambhajinagr
through its Deputy Director (R)
Dist. Chh. Sambhajinagar
3. The Chief Executive Officer,
Zilla Parishad Chh. Sambhajinagar,
Dist. Chh. Sambhajinagar
4. The Deputy Chief Executive Officer(G.P),
Zilla Parishad Chh. Sambhajinagar,
Dist. Chh. Sambhajinagar

... **RESPONDENTS**

...

Advocate for the Petitioner : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents: Mr. M.K. Goyanka

Advocate for Respondents No.3 and 4 : Mr. S.W. Munde

...

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : 11.03.2025

PER COURT:

Heard both the sides finally.

2. The petitioner who has applied from reserved category pursuant to the advertisement published by Respondent – Zilla Parishad (**Exhibit-B**) is awaiting appointment, which according to him is being denied for want of certificate of validity. He was even called upon to

produce a certificate of validity by the impugned communication dated 14.10.2024 (**Exhibit-D**) for considering his request for appointment.

3. The respondent – Chief Executive Officer of the Zilla Parishad by his affidavit has justified such insistence of the caste validity certificate by referring to the Government Resolution dated 17.07.2000 stated to have been issued by the Tribal Development Department of the State Government. Attempt has been made to take exception to the Government Resolution dated 12.12.2011 stating that it was issued by General Administration Department and not the Tribal Development Department.

4. Surprisingly, the advertisement was published expressly referring to Government Resolution dated 12.12.2011. By virtue of Clause No.17.3 the candidates were put to notice that they would be required to furnish caste validity certificates within six months of appointment specifically referring to this very Government Resolution of the General Administrative Department dated 12.12.2011. Once having undertaken the recruitment process, it would be unbecoming for respondent No.3 - Chief Executive Officer now to resile from this condition/stipulation no.17.3, of Government Resolution dated 12.12.2011 and reverting back to the Government Resolution of the Tribal Development Department dated 17.07.2000.

4. Though in a different context, in respect of a different GR, this Court in the matter of **Shrikant Chandrakant Saindane Vs. State of**

Maharashtra and Ors.; 2012 (1) Mh.L.J. 787, has struck down clause/condition no.7 of the Government Resolution dated 05.11.2009. With respect, we are in complete agreement with the observations and the conclusions and particularly the reasoning assigned for striking down that clause.

5. In the light of above, when the advertisement pursuant to which the petitioner had applied expressly indicated that appointments would be subject to the condition as laid down under Government Resolution dated 12.12.2011, the stand of respondents No.3 and 4 in refusing to appoint the petitioner is incompatible with the stipulation in the advertisement and cannot sustain in law.

6. In the light of above, we allow the writ petition. Direct the respondent No.2 - Scrutiny Committee to decide the petitioner's proposal, as expeditiously as possible and in any case within six months. We further direct respondents No.3 and 4 to consider the petitioner's case for appointment without insisting for certificate of validity. They may indicate that the appointment is provisional and subject to the final outcome of the validation process. The decision shall be taken, as expeditiously as possible and in any case within three weeks.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)