



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7226 OF 2025

Vaishali d/o Sudhakar Reddy
@ Vaishali w/o Sachin Anande
Age-45 years, Occ. Working as Special
Assistant Public Prosecutor,
Age: 41 years, Occu: Business,
R/o. Shivaji Nagar, Tamsa, Tq. Hadgaon,
Dist. Nanded.

... PETITIONER

V/s.

1. The State of Maharashtra
Home Department
Mantralaya, Mumbai – 32.
Through its Principal Secretary.
2. The Director,
Directorate of Prosecution,
Maharashtra State,
Khetan Bhawan, Room No.8,
5th Floor, J. Tata Road,
Churchgate, Mumbai – 400 020.
3. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Headquarter- Chh. Sambhajnagar
Tq. & Dist. Chh. Sambhajnagar
Through its Member Secretary.

... RESPONDENTS

...
Mr. Yeramwar Sushant C., Advocate for the Petitioner
Mr. S.P. Sonpawale, AGP for the Respondent/State
...

CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.

DATE : 18th June, 2025

ORAL JUDGMENT (Per: Ravindra V. Ghuge, J.):-

1. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.
2. The Petitioner's claim of belonging to the Mannervarlu Scheduled Tribe community, is pending with the competent committee for adjudication. She has been selected by the MPSC for the post of Assistant Public Prosecutor and she is at sr.no.512 in the list of 547 candidates recommended by the MPSC. She is not being issued with an appointment order only because she does not have a validity certificate.
3. The purport of the law laid down in **Shrikant Chandrakant Saindane and others Versus The State of Maharashtra and Others 2012(4) All MR Page No.658**, is that a candidate from the Scheduled Caste/ Scheduled Tribe of the reserved category, cannot be deprived of an appointment order only because the claim for seeking a validity certificate is pending.
4. In view of the above, **this Writ Petition is disposed off**, with the following directions:-
 - (a) The pending claim of the Petitioner with Respondent No.3, shall be decided on or before 31.12.2025.

(b) The Petitioner would tender her e-mail address and her WhatsApp cell number, without any mistake, to the Competent Committee, within ten days from today.

(c) Correspondence in connection with the pending proposal between the Petitioner and the Committee, would be permissible through e-mail and WhatsApp.

(d) If the 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), Respondent No.2 would proceed to issue the appointment order of Assistant Public Prosecutor to the Petitioner.

g) We direct, that the Petitioner would not be confirmed in employment and would not be eligible for any further service benefits, except her salary as an

Assistant Public Prosecutor, 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 Respondent No.2 within 15 days from today.

5. Rule is made partly absolute in the above terms.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]