



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7707 OF 2025

KRUSHNAVENI LAXMAN GOLEMWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Shri G.B. Patunkar, Advocate h/f Shri Sunil M. Vibhute,
Advocate for the Petitioner.

Shri V.M. Kagne, AGP for the Respondents/State.

...

CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 27th June, 2025

Per Court :-

1. The Petitioner is in employment with Respondent No.3. She claims to be belonging to 'Mannervarlu', Scheduled Tribe category. She was appointed on the post, which was reserved for the said category. Her proposal for seeking a Validity Certificate is pending with the Scrutiny Committee since 20.03.2025. Presently, she is on probation.

2. The learned AGP submits, in the light of the law laid down by the Honourable Supreme Court in *Chairman and*

Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others, 2017 AIR SC 3271, that if the Petitioner's claim is eventually falsified and it is concluded that she does not belong to the said category, she would be enjoying the post which would have been otherwise allotted to someone else having a Validity Certificate. Hence, the Petitioner should not be protected.

3. The learned Advocate for the Petitioner submits that the Petitioner is tendering an affidavit undertaking dated 27.06.2025 (three pages) wherein, it is stated that she would not claim any further service benefits like regularization/ increment/ pay fixation/ promotion etc. until her claim is validated by the Committee or by this Court. Based on such undertaking, she prays for protection.

4. In such facts and circumstances, the Court has to see as to whether, the balance of convenience would be in favour of the Petitioner and whether, an irreparable harm or manifest inconvenience or grave prejudice would be caused to her if no protection is granted. In the event, we refuse protection today, she would be terminated. Eventually, if her claim is sustained,

she will have to be reinstated and the entire back-wages will have to be paid her from the State exchequer. Instead, if the Petitioner is granted conditional protection today and if in future, her claim is invalidated, her services can be dispensed with in the light of *Jagdish Bahira (supra)*.

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

(a) The affidavit undertaking is taken on record and marked as 'X' for identification. Based on the said undertaking, the Petitioner would continue to remain as a probationer until her claim is validated, either by the Committee or by the Court (in the face of a rejection order by the Committee being challenged in this Court). The Petitioner's services would not be terminated only for the reason that she does not have a Validity Certificate.

(b) The Petitioner's claim be decided by the Committee, on or before 31.03.2026, considering that the students drive is undertaken by the Committee.

(c) The Petitioner tenders her email address for easy correspondence with the Committee in connection with the

proposal as under:-

krushnavenigolemwar1@gmail.com

The Committee and the Petitioner would enter into correspondence through email.

(d) After the vigilance cell inquiry is concluded, the report shall be tendered to the Petitioner via email, along with the statutory notice and the Petitioner would tender her written submissions, as well as address the Committee orally.

(e) A reasoned order be passed on or before 31.03.2026.

(f) The Petitioner shall render wholehearted cooperation to the Committee.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)