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

957 WRIT PETITION NO. 13788 OF 2025

VISHWAJIT VITHALRAO UDATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. M.P. Kale, Advocate for the petitioner.
Ms. R.P. Gaur, AGP for the respondent-State.

**CORAM : KISHORE C. SANT &
ABASAHEB D. SHINDE, JJ.**
DATE : 26.11.2025

PC :-

01. Heard learned Advocate for the petitioner and learned AGP for the respondent-State. The petitioner has come to this Court mainly seeking direction to decide Tribe Claim of the petitioner, which is forwarded on 03.05.2025 to the Committee by Principal, Rajarshi Shahu Mahavidyalay, Latur. The petitioner is seeking appointment on compassionate ground in place of his father, who was appointed against a post reserved for persons belonging to the Scheduled Tribes. It is a case of the petitioner that his father was granted conditional validity. When the petitioner applied for compassionate appointment, now respondent No.3 – the Superintendent of Police, Latur, wants him to produce Caste validity, as condition precedent for giving compassionate appointment. It is his submission that when the father was granted conditional validity, no such insistence is required prior to the appointment. His claim can always be considered after appointment. The Committee can at the most be directed to decide the claim within a stipulated period.

02. Learned Advocate for the petitioner also relies upon an order passed by this Court in another writ petition where provisional appointments were considered. This Court, however, finds that the said order is passed in the facts of that case. In the present case, if there is no rule permitted to give provisional appointment pending caste validity, this Court cannot direct to do so. Considering the above the following order :-

03. This petition stands partly allowed in terms of prayer clause (E). The Committee is expected to decide the Tribe Claim as early as possible and preferably within three months from today.

04. This petition stands disposed off.

[ABASAHEB D. SHINDE,J.]

[KISHORE C. SANT,J.]