

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1249 OF 2025

Sopan Ganpat Bhuttapalle

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Sahil Choudhari, Advocate for the Petitioner.

Mr. V.M. Mali, AGP for the Respondent/State.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 5th FEBRUARY, 2025

P.C. :-

1. The Petitioner has put forth the following prayers :-

“[A] Issue a writ of mandamus or any other appropriate writ, order or direction thereby directing the Respondent No.5 institution to permit the Petitioner to join the institute as a Shikshan Sevak in view of his selection, without insisting for tribe validity certificate, as per the provisions of Government Resolution dated 12/12/2011 and allow the petitioner to join said services and for that purpose issue necessary orders.

[B] Issue a writ of mandamus or any other appropriate writ, order or direction thereby directing the Respondent No.6 Scrutiny Committee to decide Tribe claim of the petitioner within time stipulated as prescribed in said Government Resolution dated 12/12/2011.

2. The learned Advocate for the Petitioner places on record a compilation (3 Pages), out of which, the first page is a service affidavit dated 4th February, 2025. The said compilation is collectively marked as 'X' for identification.

3. It appears from the compilation 'X' that the Petitioner has served the Management, Respondent Nos.4 and 5, with the E-mail notice. Copy of the E-mail is also placed on record along with the service affidavit of the learned Advocate for the Petitioner. Yet, no appearance is entered by them in this case.

4. The learned AGP submits that the Petitioner does not have the validity certificate of belonging to the 'Koli Mahadev' Scheduled Tribe Category. The post on which he has been selected, is reserved for the said category. There are several other candidates, who have validity certificates. One of them could be appointed. We are informed that the Petitioner is in the select list. He is not allowed to join, only because he does not have a Scheduled Tribe Validity Certificate.

5. This Court has laid down the law in *Shrikant Chandrakant Saindane V/s. State of Maharashtra & Ors., 2012 (1) Mh.L.J. 787*. A candidate who is in the merit list and is selected to be appointed, should not be deprived of the appointment order only because his claim for seeking a validity certificate, is pending.

6. The Petitioner claims to be selected and is placed in the merit list. No appointment order has been issued has yet. Therefore, if there is no legal impediment, save and except that he does not have a validity certificate, the prospective employer, Respondent No.4 would consider issuance of an appointment order to the Petitioner.

7. In view of the above, we do not find any reason to keep this Petition pending. **This Writ Petition is disposed off** with the following directions :-

(a) The Competent Committee shall decide the claim of the Petitioner, on or before 31st December, 2025.

(b) For easy correspondence, the Petitioner is tendering his E-mail address as well as the WhatsApp cell number, as under :

E-mail Address – sopanbhuttapalle@gmail.com.
WhatsApp No. - 7709438377.

(c) The Petitioner agrees to enter into correspondence with the Committee on the E-mail Address and/or the WhatsApp number.

(d) The Petitioner agrees to render wholehearted cooperation to the Committee for an early decision on his claim.

(e) If there is no other legal impediment, save and except, the lack of a validity certificate, Respondent Nos.4 and 5 shall permit the Petitioner to report for duties, within 7 days. He would remain a probationer and would not be confirmed in employment, until his claim is validated by the Committee or by the Court, as the case may be.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)