

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1247 OF 2025

Anil Shankar Yenchewad

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Sahil Choudhari, Advocate for the Petitioner.

Ms. Priyanka Chavan, AGP for the Respondent/State.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 5th FEBRUARY, 2025

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P.C. :-

1. On 29th January, 2025, we have passed the following order:-

“1. The grievance of the Petitioner is that though an appointment order has been issued on 7th September, 2024, the Petitioner is not permitted to join since he does not have a validity certificate of belonging to Koli Mahadeo Scheduled Tribe.

*2. The law on this issue is settled vide the judgment of this Court dated 25th August, 2011 delivered at the Aurangabad Bench in Writ Petition No. 2136 of 2011 and a group of cases (**Shrikant s/o Chandrakant Saindane Versus The State of Maharashtra and Others**). Based on the said judgment, the State Government has issued a Government Resolution dated 12th December, 2011 which paves the way for*

appointment of candidate, pending submission of the validity certificate.

3. The learned Advocate for the Petitioner submits that the Management, Respondent Nos. 4 and 5, have been served with an Advocate's notice via email. He further submits that he would once again serve the said Respondents through email.

4. In view of the above statement, list this Petition on 5th February, 2025, in the fresh admissions category.

5. The Petitioner shall enter a service affidavit."

2. The learned Advocate for the Petitioner places on record a compilation (4 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 with the E-mail notice. Copy of the E-mail issued to Respondent Nos.4 and 5, 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 and has been issued with the appointment order by Respondent Nos.4 and 5. 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 learned Advocate for the Petitioner has placed before us the appointment order dated 7th September, 2024, received by him from the Management, vide which, he has been appointed as an Assistant Teacher. However, he is disallowed from joining only because he does not have a validity certificate. His proposal is pending with the Committee.

7. In view of the above, we do not find any reason to keep

this Petition pending. Therefore, 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 – anil11021993@gmail.com.

WhatsApp No. - 7507090928.

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

(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.)