



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 63 OF 2024

Miss. Archana Pancham Khapre,
Aged : 40 years, Occ. Service
R/o NIT Colony, HIG 9/42, Atrey Layout,
Pratap Nagar, Nagpur-440022

...Petitioner

// VERSUS //

1. The Government of India, Ministry of Communication Department of Telecommunication, through its Secretary (T), Department of Tele Communications, Ministry of Communications, Sanchar Bhawan 20, Ashoka Road, New Delhi – 110 001
2. Additional Secretary (T), Department of Telecommunications, Ministry of Communications, Sanchar Bhawan 20, Ashok Road, New Delhi 110 001
3. Joint Secretary (Admn.), Department of Telecommunications, Ministry of Communication, Sanchar Bhawan 20, Ashoka Road, New Delhi 110 001
4. Under Secretary (Admin), Department of Telecommunications, Ministry of Communications, Sanchar Bhawan 20, Ashoka Road, New Delhi – 110 001.

... Respondents

Shri Abhay Sambre, Advocate for the petitioner.
Shri N.S.Deshpande, ASGI, for the respondents.

**CORAM : SMT. M.S.JAWALKAR &
PRAVIN S. PATIL, JJ.**

DATED : 7th JULY, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties.

2. By this petition, the submission of the petitioner is that she was appointed from Physically Handicapped Category as Junior Wireless Officer by following due process of law. In support of her submission, she has placed on record Disability Certificate dated 10th December, 2015, issued by the competent authority. According to her, by impugned office memorandum dated 8th December, 2023, she was asked to produce certificate of Schedule Tribe Category from the competent authority. Therefore, it is her submission that when she was not appointed from any reserve category, directions issued by respondent no.1 are illegal and liable to be quashed and set aside.

3. The respondents filed their affidavit dated 15th March, 2024 and in paragraph 3 of their written statement stated as under:

“3. Although she was selected against the Physically Handicapped Category, however since ‘ST’ status entails certain benefits in Promotion etc., therefore, as per the extent norms the Caste Certificate is required to be verified by the Department before her confirmation to the post of Junior Wireless Officer. Accordingly, her caste certificate was sent to the issuing authority for verification. The Caste issuing Authority i.e.

District Magistrate, Nagpur intimated that the entry regarding issue of Caste Certificate in respect of Ms. Archana Pancham Khapre was not found in the records. Accordingly, vide OM dated 08.12.2023 she was requested/advised to get the ST Certificate verified within 30 days as per the procedure being followed in the State of Maharashtra. Instead of taking steps to get her certificate verified, Smt. Archana Pancham Khapre, JWO has filed the present petition.”

4. As such, it is the submission of the respondent that only for the reason that in view of petitioner’s claim promotion in future, then in that case, the caste validity certificate will be required in the matter. However, the petitioner candidly made a statement that she being appointed in the handicapped open category, will not claim any benefit of the Scheduled Tribe Category in her service career from the respondents.

5. In view of the statement made by the petitioner, it is made clear that the petitioner will be treated as a candidate from handicapped open category for all purpose in her service career in the respondent department and will not be entitled to claim benefit of Schedule Caste Category.

6. In view of above, petition is allowed and the office memorandum dated 8th December, 2023 is hereby quashed and set aside.

7. The writ petition is disposed of in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[SMT. M.S.JAWALKAR, J.]