



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 7075 OF 2014

Ku. Hemlata Ramaji Badghare
(Sou. Hemlata Vijay Kariye),
Aged about 44 years, Occ.- Service as
Senior Clerk, PWD, Nagpur,
R/o. 11/2, Doctors Colony, T. B. Ward
Premises, Wanjari Nagar, Nagpur.

.... **PETITIONER**

// VERSUS //

- 1) **State of Maharashtra,**
through its Secretary,
Ministry of Tribal Welfare and Social
Justice, Mantralaya, Mumbai-400032.
- 2) **Divisional Caste Certificate Scrutiny
Committee No.2,** Nagpur Division,
Chandrapur, Government Milk Scheme
Road, Jalnagar, Chandrapur through
its Chairman.
- 3) **Superintending Engineer,**
PWD Circle, Old Secretariat Building,
Civil Lines, Nagpur.
- 4) **Executive Engineer,**
Integrated Medical Division (PWD),
T. B. Ward Premises, Wanjari Nagar,
Nagpur.

.... **RESPONDENTS**

Mr. Ratnakar Khobragade, Advocate with Mr. Abuzain
Sheikh, Advocate for Petitioner.

Mr. J. Y. Ghurde, Assistant Government Pleader for
Respondents/State.

**CORAM : MRS. M. S. JAWALKAR AND
RAJ D. WAKODE, JJ.**

DATE : 29th SEPTEMBER, 2025.

ORAL JUDGMENT :- (Per : M. S. JAWALKAR, J.)

1. Heard finally by the consent of the parties.
2. By this Writ Petition the Petitioner is challenging the order dated 28/11/2014, passed by the Respondent No.2 – Divisional Caste Certificate Scrutiny Committee No.2, Nagpur Division, Chandrapur invalidating the claim of the Petitioner as “Rajput Bhamta” VJ/DNT.
3. The contention of the Petitioner is that she was appointed vide appointment order dated 06/10/1990 on the post of “Junior Clerk” under the scheme of Employment of Freedom Fighter in Government Service dated 02/03/1981 and thus her appointment is not from reserved category. Thereafter, the Petitioner was regularized in service and was promoted to the post of “Senior Clerk” vide Promotion order dated 06/03/2002. It is her contention that even her promotion was not against the reserve category but in public interest.

4. On perusal of of promotion order dated 06/03/2002, there is no mentioned of any promotion against reserve post, however, by a Communication dated 14/05/2013 the petitioner were called upon to provide the validity certificate of Rajput Bhamta VJ(A) category as her promotion is from the said category. Therefore, a proposal was sent to the Scrutiny Committee for verification, the Scrutiny Committee invalidated the caste claim of the Petitioner as “Rajput Bhamta” VJ-A, vide order dated 28/11/2014 against which the present writ petition is filed.

5. The Petitioner filed a Civil Application No. 1477/2025 claiming that since her appointment itself was not from reserved category as it reveals from the appointment order, so also the promotion order, the present Writ Petition can be disposed of by declaring and holding that the Petitioner’s appointment and subsequent promotion were made purely as a nominee of a freedom fighter and not against any reserved category. The Petitioner stood retired on 31/10/2024.

Though her provisional pension was paid till March-2025, since April-2025 it has been stopped.

6. The learned Assistant Government Pleader placed on record a Communication issued by the Superintending Engineer, Public Works Department, Nagpur dated 25th September, 2025, which is taken on record and marked as “X” for identification, wherein it is admitted that the Petitioner came to be appointed as the Collector Chandrapur recommended her name for appointment as a ‘Junior Clerk’ under the Freedom Fighter Nominee Scheme and she came to be promoted as a ‘Senior Clerk’ on 06/03/2002. It is also admitted that in the promotion order, there is no reference that her appointment was made against the reserved category. It is informed that as she was belonging to “Rajput Bhamta”, she came to be appointed on the basis of caste certificate. However, in the said communication, it is also informed that the record is not available still it is observed that the person who was appointed along with the Petitioner came to be promoted after 25 years therefore, it can be said that her promotion to the post of Senior Clerk was

against the reserved category. There is no record available with the Department. It can be seen from the promotion order that the promotion was not against the reserved category post and only in the public interest. Such assumption without there being any document record that her promotion must be from reserved category is baseless.

7. The learned Counsel for the Petitioner submitted that if the prayer clause (B) i.e. to hold and declare that appointment and promotion of the Petitioner was never made against the any reserved category but she was appointed as a nominee of freedom fighter, she will give up his claim of caste as belonging to “Rajput Bhamta” VJ/DNT.

8. In our considered opinion, the Petitioner is entitled for such declaration as per prayer clause (B). In view of this other prayers does not survive. Accordingly we pass the following order :

(i) The Writ Petition is allowed.

- (ii) It is held and declared that the appointment and promotion of the Petitioner was never made against the reserved category.
 - (iii) The Respondents shall immediately release the pension and pensionary benefits to the Petitioner within a period of six weeks and continue to pay the pension to the Petitioner.
9. The Writ Petition stands disposed of in the above terms. No order as to costs.

The pending application, if any, stands disposed of.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)