



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

WRIT PETITION NO. 3810 OF 2024

Harshita Tukaram Umredkar

-Vs.-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

Mr. S.O.Ahmad, Adv. for the petitioner.
Mr. N.R.Patil, AGP for the respondents-State.
Mr. D.M.Kale, Adv.for the respondent Nos.2 to 4.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 22ND JANUARY, 2025

Heard Mr.Ahmad, learned counsel for the petitioner, Mr.Madiwale, learned AGP for the respondent-State and Mr.Kale, learned counsel for the respondent Nos.2 to 4.

2. The petition questions the order dated 06/05/2024, passed by the respondent No.4 thereby terminating the employment of the petitioner as a Lower Division Clerk (LDC) with the respondent No.4, on the ground, that the petitioner has failed to submit her Caste Validity Certificate.

3. A perusal of the order of appointment dated 27/02/2018 (Pg.30) would indicate, that the petitioner has been appointed as an LDC in the open category. That being the position, it is clear that the petitioner has not sought any benefit, of belonging to the reserved category for the

purpose of securing employment, in view of which, there was no reason whatsoever for the respondent No.4 to demand the certificate of validity, much less terminate her employment. In that view of the matter, the order dated 06/05/2024, (Pg.37) terminating the employment of the petitioner as an LDC by the respondent No.4 cannot be sustained and is hereby quashed and set aside. The effect of such setting aside would be, that the petitioner would be entitled to continuity in service and all incidences of such continuity, except the claim for back wages, which is being denied as the petitioner has not rendered any services for this period. The petition is accordingly allowed in the above terms. No costs.

(ABHAY J. MANTRI,J) (AVINASH G. GHAROTE, J)