



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11010 OF 2025

Shivraj Balasaheb Talware
Age : 29 yrs, occ : service
R/o Samatanagar, College
Road, Washi, Taluka Washi,
District Dharashiv

Petitioners

Versus

1. The State of Maharashtra
2. Scheduled Tribes Certificate
Scrutiny Committee,
Chhatrapati Sambhajnagar
Through Secretary
3. Divisional Deputy Director of
Education, Kolhapur Divisiion,
Kolhapur

Respondents

**WITH
WRIT PETITION NO. 11012 OF 2025**

Mangesh Dagdu Waghmare
Age : 33 yrs, occ : service
R/o Murtijapur Sawangi,
Taluka Aundha (Nagnath),
District Hingoli

Petitioner

Versus

1. The State of Maharashtra
2. Scheduled Tribes Certificate
Scrutiny Committee, Kinwat
Head office at Chhatrapati
Sambhajnagar
Through Secretary
3. Education Officer (Primary),
Zilla Parishad, Jalna

4. The Head Master
Jijamata Prathamik School,
Jalna.

Respondents

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Mr. Sahil Choudhari a/w Mr. Deepak Choudhari,
Advocate for the petitioners.

Mr. P.K. Lakhotiya, A.P.P. for respondent-State.

Ms. A.V. Sagar, Advocate holding for Ms. Sheetal Salunke,
Advocate for respondent No.4 in WP No. 11012 of 2025.

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**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

DATED : 23 JANUARY 2026.

Oral Judgment (Per Abasaheb D. Shinde, J.) :

1. Rule. Rule made returnable forthwith. Heard finally with consent of the rival parties at the stage of admission.
2. The petitioners have been selected from the reserved category pursuant to an advertisement issued by respondent No.3 for the post of Shikshan Sevaks. In view of the clause in advertisement, the petitioners are supposed to submit their caste validity certificates within a period of six months for getting the appointments.
3. The grievance of the petitioners is that the respondent No.2/Scrutiny Committee, on one hand has not decided the tribe claim of the petitioners and by virtue of clause in the advertisement though the petitioners have been selected, they are awaiting appointment orders only for want of validity

certificates. He, therefore, urged that respondent No.3 may be directed to give provisional appointment and also seeking direction that the tribe claims of the petitioners which are pending before the respondent No.2/Scrutiny Committee, be directed to be decided expeditiously.

4. Learned counsel for the petitioners submits that this Court, relying on the judgment in the case of **Shrikant Chandrakant Saindane vs State of Maharashtra and others** reported in **2012 (1) Mh.L.J. 787**, has taken a view that merely because the tribe claims of the candidates are pending before the Scrutiny Committee, their appointment orders cannot be withheld. He has invited our attention to the judgment of this Court in the case of **Dattu Ramesh Ingle vs State of Maharashtra and others** in **Writ Petition No. 8744 of 2021** with connected writ petitions, wherein this Court, vide order dated 27.10.2021 has directed the Scrutiny Committee to decide the tribe claims of the petitioners therein, so also directed the concerned Authorities not to withhold appointment orders of the petitioners. Learned counsel for the petitioners also invited our attention to the order dated 21.06.2024 passed in **Writ Petition No. 5893 of 2024** in the case of **Pallavi Jayraj Sapkal and others vs The State of Maharashtra and others**, wherein this Court, while passing

similar order, has imposed certain conditions. The last order on which the petitioners are placing reliance, has been passed in the case of **Swapnil Chandrakant Bhandare vs State of Maharashtra and others** in **Writ Petition No. 267 of 2025** wherein this Court again relying on the case of **Shrikant Saindane** (supra) vide its order dated 11.03.2025 beside directing the Scrutiny Committee to decide the tribe claim, has directed the Authorities to issue provisional appointment to the concerned petitioner without insisting for certificate of validity by indicating in the appointment order that the provisional appointment will be subject to final outcome of the validation process.

5. Learned AGP, on the other hand, submits that in the light of recent judgment of the Hon'ble Apex Court in the case of **Chairman and Managing Director, Food Corporation of India vs Jagdish Bahira** reported in **2017 (8) SCC 670**, if the tribe claims of the petitioners are invalidated, benefits conferred on those candidates, shall be withdrawn. He, therefore, urged that the tribe claim of the petitioners are yet to be decided, and therefore, the petitioners are not entitled for provisional appointment orders. He urged that the writ petitions be dismissed.

6. Having heard the rival submissions of learned counsel for the petitioner as well as learned AGP, we find that so far as the judgment of this court in the case of **Shrikant Saindane** (supra) is concerned, though the same has been challenged before the Hon'ble Apex Court in SLP (Civil) No.33356-33370/2011, however, the Hon'ble Apex Court by order dated 16.12.2011 has refused to grant stay to the said judgment. We find that the judgment in the case of **Shrikant Saindane** (supra) still holds the field. In the light of several orders passed by this Court (supra), we are of the view that till the tribe claims of the petitioners are decided by the Scrutiny Committee, the petitioners cannot be deprived of issuing appointment orders, despite they have been selected. In our considered view, the petitioners are entitled for issuance of provisional appointment orders as prayed for. We, therefore, follow the same course as has been followed by this Court while passing the orders (supra) and dispose of the petitions with the following directions.

ORDER

- (a) The pending claims of the Petitioners, of belonging to "Koli Mahadev" Scheduled Tribe Categories, with Respondent/Scrutiny Committee, shall be decided within three months from today.

- (b) Each of these Petitioners would tender their e-mail addresses and their WhatsApp cell numbers, without any mistakes, to the Competent Committee, within ten days from today.
- (c) Correspondence in connection with these pending proposals between the Petitioners and the Committee, would be permissible through e-mail and WhatsApp.
- (d) If any e-mail or WhatsApp number is found to be erroneous, the Petitioner will not be entitled to raise any grievance on the ground that he or she did not receive any communication from the Committee.
- (e) The Petitioners shall render wholehearted cooperation to the Committee and shall refrain from seeking adjournments on unreasonable or trivial ground, else, the Committee would be justified in progressing to the further stages in the proceedings.
- (f) Considering the law laid down in **Shrikant Chandrakant Saindane** (supra), the concerned Zilla Parishad as well as Divisional Deputy Director of Education would proceed to issue the appointment orders of Shikshan Sevak to these Petitioners.

- (g) We direct, that none of these Petitioners would be confirmed in employment and would not be eligible for any further service benefits, except their salary as a Shikshan Sevak, until their claim is validated either by the Committee or by any Court. This direction is issued with the consent of the Petitioners.
- (h) The Petitioners shall serve a copy of this order on the Chief Executive Officer of the concerned Zilla Parishad or the Divisional Deputy Director of Education, as the case may be, within 15 days from today.

7. Rule is made absolute in above terms.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE