



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

District : Jalgaon

WRIT PETITION NO.4239 OF 2026

Sharda Dhiraj Koli,
Age: 30 years, Occu: Nil,
R/o: Boroli Nagar-3, Plot No.1055/12,
Tal. Chopda, Dist. Jalgaon.

.....PETITIONER

VERSUS

1. The State of Maharashtra,
Health Department,
Mantralaya Mumbai 32,
Through its Secretary.
2. The Chief Executive Officer,
Zilla Parishad, Jalgaon,
Tq. & Dist. Jalgaon.
3. The District Health Officer,
Zilla Parishad, Jalgaon,
Tq. & Dist. Jalgaon.

.....RESPONDENTS.

Mr. Azizoddin R. Syed, Advocate for the petitioner
Ms. Neha B. Kamble, AGP for respondent no.1/State
Mr. S. R. Dheple, Advocate for respondent nos.2 and 3

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**CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.**

DATED : 05TH MAY, 2026

JUDGMENT :- (Per Ajit B. Kadethankar J.)

. Rule. Rule made returnable forthwith. The petition is heard for final disposal at the request of learned Advocates for the respective parties.

1. Subject Matter:

Petitioner's claim for compassionate appointment arising out of the death of her mother-in-law, is kept unprocessed further by respondent authorities. Vide letter dated 25.03.2026, it is intimated that the claim could not be processed for want of a copy of Caste Validation Certificate ('CVC' for brevity) of the deceased Sandhya Thackre (Petitioner's mother-in-law). As per record, deceased Sandhya Thackre was appointed through Scheduled Tribe category. Hence either copy of deceased Sandhya's 'CVC' or a copy of an order placing deceased Sandhya Thackre on supernumerary post is asked to be placed on record. Awaiting production of either of these documents, Petitioner's claim is remained unprocessed further. Petitioner challenges this deficiency/objection raised by the Zilla Parishad authorities.

2. Facts in brief:

2.1 Petitioner's mother-in-law namely Smt. Sandhya Wamanrao Thackre was serving as Health Servant under the establishment of respondent no.3. While in service, Smt. Sandhya Thackre expired on 05.05.2021. Petitioner's husband i.e. Smt. Sandhya's son is also expired on 27.11.2020. Hence, the Petitioner submitted her application on 06.08.2021 to the respondent nos.2 and 3 seeking compassionate appointment against the death of her mother-in-law Smt. Sandhya Thackre.

2.2 It is submitted that deceased Sandhya Thackre belonged to the Koli community identified as Special Backward Category. A wait-list for compassionate appointment in class-D for a period of 08.04.2025 to 31.01.2026 is also prepared by respondent no.2 wherein the Petitioner is placed at serial no.1.

2.3 Petitioner got knowledge that candidates falling below her in the seniority list/wait-list were given appointments on compassionate ground, while the Petitioner was excluded. Hence, the Petitioner vide letter dated 16.03.2026 addressed to the respondent nos.2 and 3 and sought reasons for her exclusion. To the query, vide letter dated 25.03.2026 it was informed by the Zilla Parishad authorities that as per the record, deceased Smt. Sandhya Thackre was appointed through Scheduled Tribe category and as such, in the roaster of 2015, the deceased Sandhya Thackre was shown in the Scheduled Tribe Category.

2.4 It is further mentioned that in terms of Government Resolution dated 14.12.2022, no further course of action can be taken for processing Petitioner's claim in absence of "CVC" of deceased Sandhya Thackre. As such, vide the said letter the authority under respondent no.2 asked the respondent no.3 to produce either a copy of "CVC" of deceased Sandhya Thackre certifying that she belonged to Scheduled Tribes Category. An option is also given to indicate

whether deceased Sandhya Thackre was placed on a supernumerary post for want of “CVC”. The option was given for the reason that in the event if deceased Sandhya failed to procure “CVC” or if her claim was invalidated, an information was sought to be placed as to whether she was placed on supernumerary post. Feeling aggrieved by this communication, petitioner is before this Court.

3. Submissions:

3.1 Mr. Azizoddin R. Syed, learned Advocate for the petitioner submits that record possessed by the petitioner reveals that the mother-in-law i.e. Sandhya Thackre belonged to Koli community and the Petitioner herself also belongs to the same community. He would submit that the Sub Divisional Officer, Amalner Division Amalner issued a caste certificate in the name of deceased Sandhya Thackre certifying that she belongs to Koli (4/1) caste which is recognized as Special Backward Category. He further submits that on 30.01.2015, the Caste Certificate Scrutiny Committee, Nashik verified the caste certificate of deceased Smt. Sandhya Thackre, and accordingly a certificate of validity (CVC) is also issued in her name thereby validating her certificate as Special Backward Category.

3.2 The foremost objection raised by Mr. Syed is that the impugned communication is issued without any logic. He would submit that the Government Resolution dated 14.12.2022 is not at all applicable to

the case of deceased Sandhya Thackre. He would submit that as a matter of fact, deceased Sandhya Thackre did not belong to Scheduled Tribe, and hence, on the basis of incorrect record the authorities erred in not processing Petitioner's claim. Mr. Syed then placed on record the judgment passed by the Full Bench of this Court on 22.07.2022 in the case of ***Om and others Vs. State of Maharashtra and others***. He would submit that appointment of deceased Sandhya Thackre from Scheduled Tribe Category is highly disputed. He further submits that it would be erroneous on the part of respondent authority to call upon the Petitioner to produce such "CVC" of her mother-in-law, which could never exist.

3.3 Mr. Syed would further submit that in fact for compassionate appointment, production of CVC of the deceased/employee cannot be directed. He submits that the very purpose of compassionate appointment is an object of compassion to such persons who suffered death of the breadwinner of their family, and that such is not the regular appointment. Mr. Syed concludes his argument with a submission that if such highly technical objections are insisted upon by the authorities, the very purpose of the scheme for compassionate appointment shall stand frustrated.

3.4 Per contra, Mr. S. R. Dheple, learned Advocate for respondent nos.2 and 3 would advocate the impugned communication. He would

submit that as per the record, deceased Sandhya Thackre was inducted in the service from the category of Scheduled Tribes. He further submits that in fact the Full Bench judgment (supra) justifies the impugned communication. Mr. Dheple submits that paragraph no.39 of the judgment covers the present case. For the sake of convenience, paragraph no.39 is reproduced as follows:

39. In our considered view, the submission of the validity certificate by a candidate having secured employment on the basis of reservation on a post reserved for the backward category would be a sine qua non. The procedure for selection and the prescription of the eligibility criteria has a significant public element in enabling the State to make a choice amongst the competing claims. The selection of an ineligible person is a manifestation of a systemic failure, which has a deleterious effect on good governance. If such candidates are permitted to occupy posts and evade submission of validity certificates for years or decades and after the unfortunate demise of such a person in harness, paving the way to compassionate appointment treating the post to be from the open category and redeem the compassionate appointee from the obligation of submitting the validity certificate, which his father was legally obliged to submit in order to legalize his appointment, would be detrimental to the entire class of persons for whom the reservations are intended. Excluding such members or depriving a legitimate candidate of an appointment, as a result of the recruitment granted to an impostor would violate the rights of genuine candidates. We cannot permit the illegality to be perpetrated by absolving the compassionate appointee from tendering a validity certificate, which his father was legally obliged to tender.

3.5 Mr. S. R. Dheple, learned Advocate thus prays to dismiss the Writ Petition.

3.6 Ms. Neha B. Kamble, learned AGP for respondent/State echoes the argument advanced by Mr. S. R. Dheple.

4. Consideration:

4.1 What we find is that certain facts are undisputed. The relationship between deceased Sandhya Thackre and the Petitioner is uncontroverted. It is also a matter of fact that Petitioner's husband died even prior to the death of deceased Smt. Sandhya Thackre. True that the Petitioner even stood at serial no.1 in the seniority list prepared for compassionate appointment Class-D prepared by respondent no.2. We see from the documents annexed to the petition that deceased Sandhya Thackre possessed caste certificate mentioning her caste as Koli (4/1), which is recognized as Special Backward Category vide Government Resolution dated 13.06.1995. The petitioner has also annexed copy of "CVC" in the name of deceased Sandhya Thackre pursuant to the aforesaid caste certificate.

4.2 The issue is "the record showing appointment of deceased Sandhya from Scheduled Tribes Category" while the Petitioner produces deceased Sandhya's record as a Special Backward Class category. Respondent nos.2 and 3 would obviously go by their office record wherein deceased Sandhya Thackre is shown to have been

appointed through Scheduled Tribes category. We find that the Government Resolution dated 14.12.2022 issues procedure in respect of such government employees who have been placed on supernumerary posts on account of invalidation of their Scheduled Tribe caste certificate. May it be, fact remains before us that the respondent authorities have such record which shows that deceased Sandhya Thackre was appointed from Scheduled Tribes category.

4.3 It is also undisputed fact that the Petitioner neither claims that her mother-in-law belonged to Scheduled Tribes category nor claims herself from Scheduled Tribes category. Under these circumstances, obviously in view of the Full Bench judgment (*supra*), the claim for compassionate appointment could be made only against such posts as are reserved for the category to which the deceased/employee was appointed. The findings recorded by the Full Bench are binding on this Court. If the Petitioner has dispute over the category i.e. Scheduled Tribes on which deceased Sandhya Thackre was shown to have been appointed, she may have other remedies for correction of the record. However, in the given set of facts, the impugned communication cannot be said to be a faulty or illogical. We however note that petitioner's claim is not outright rejected by the authorities. Petitioner is bound by as also entitled to comply/cure the deficiencies by taking appropriate course.

4.4 For the reasons recorded above, we do not find merit in the Writ Petition. Hence, we pass following order:

ORDER

- i. Writ Petition stands dismissed.
- ii. Rule stands discharged.

[AJIT B. KADETHANKAR, J]

[SMT. VIBHA KANKANWADI, J.]

Rushikesh/2026