

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

WRIT PETITION (ST) NO. 11088 OF 2020

Yogesh Ramesh Koli (Solunke)

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....
Mr. O.B. Boinwad, Advocate for petitioner

Mr. A.S. Shinde, A.G.P. for respondent – State

....

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATE : 20th JULY, 2020

ORDER :

The petitioner is issued with caste certificate as “Tokre Koli” Scheduled Tribe. However, same is not in “C-Format”. As per directions of the committee, the petitioner applied for certificate in “C-Format”. The S.D.O. rejected the said application on the ground that evidence prior to 1950 is not produced. When already the certificate is issued to the petitioner, the S.D.O. is required to consider whether the certificate issued by his office and if satisfied that the certificate is issued by his office, has to issue certificate in “C-Format”. The petitioner requires to surrender the original certificate with him.

2. The petitioner shall surrender the original certificate received by him in incorrect format. The S.D.O. shall verify the said certificate having been issued by his office. If the S.D.O. is satisfied that the said certificate is

issued by his office, then the S.D.O. shall issue certificate to the petitioner in “C-Format” within two weeks of the date of surrender of original certificate. On receiving new certificate, the petitioner, within four weeks, shall submit the proposal with the caste scrutiny committee. The caste scrutiny committee shall verify the same in accordance with law.

3. The impugned order, placing the petitioner on supernumerary post, is passed without issuing notice to the petitioner and without hearing the petitioner. Same violates the principles of natural justice.

4. In light of above, the impugned order, placing the petitioner on supernumerary post, is quashed and set aside. In case the respondent-employer wants to initiate such action against the petitioner, then the same shall be done only after observance of principles of natural justice. Writ petition is disposed of. No costs.

(R.G. AVACHAT, J.)

SSD

(S.V. GANGAPURWALA, J.)