

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

WRIT PETITION NO. 7295 OF 2020

Amir Khan s/o Dulekhan Pathan

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr M.A. Golegaonkar, Advocate for petitioner
Mrs M.A. Deshpande, Addl.G.P. for respondents

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 23rd October 2020

PER COURT:

1. Learned Counsel for the petitioner submits that the validation proceeding in respect of tribe claim of the petitioner is pending with the Committee. The same is not yet decided. Under the impugned communication, the petitioner is placed on supernumerary post.
2. Learned A.G.P. accepts notice for all the respondents and submits that as the validity certificate is not submitted, the petitioner is rightly placed on supernumerary post.
3. The petitioner is placed on supernumerary post without notice to the petitioner and without affording opportunity of hearing to the petitioner. The validation proceeding is pending.
4. The impugned order is quashed and set aside. In case the respondents want to take action against the petitioner on placing him on supernumerary post, then principles of natural justice should be followed.

5. The petitioner shall appear before the Committee on 24.11.2020. The Committee shall decide the validation proceeding expeditiously and preferably within six months from the date of appearance of the petitioner.

6. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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