

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

**WRIT PETITION NO. 9284 OF 2016
WITH
CIVIL APPLICATION NO. 7107 OF 2020
WITH
CIVIL APPLICATION NO. 6349 OF 2020**

Shri Datta Gangaram Subanwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. S. C. Yeramwar, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 3.
Mr. M. V. Navandar, Advocate for Respondent No. 4.

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

DATED : 09th DECEMBER, 2020.

PER COURT:-

. Mr. Yeramwar, learned counsel submits that he is instructed to appear for the writ petitioner in place of Mr. Golegaonkar, learned counsel. Mr. S. R. Palnitkar, learned counsel holding for Mr. Golegaonkar, learned counsel seeks discharge of the appearance of Mr. Golegaonkar, learned counsel.

2. As Mr. Yeramwar, learned counsel appears for the writ petitioner the appearance of Mr. Golegaonkar, learned counsel stands discharged.

3. The petitioner shall apply with the scrutiny committee for grant of attested copy of the tribe certificate submitted by the petitioner. The committee shall within a period of seven (07) days from the date of application issue attested copy of the tribe certificate submitted by the petitioner. The petitioner shall submit the attested copy of the tribe certificate with the competent authority. The competent authority shall verify the genuineness of issuance of the tribe certificate of Sub Divisional Officer, Basmath and on being satisfied of its genuineness shall issue the tribe certificate to the petitioner within a period of seven (07) days of the petitioner submitting the attested copy of the tribe certificate. The petitioner within a period of seven (07) days on receipt of the tribe certificate from the Sub Divisional Officer, Basmath shall submit the said tribe certificate to the committee. The scrutiny committee on receipt of the said tribe certificate shall decide the validation proceeding on its own merits, expeditiously and preferably within a period of six (06) months from the date of submission of the tribe certificate from the competent authority.

4. In case, the petitioner adheres to the aforesaid schedule, then the employer shall not take coercive action against the petitioner only on the ground that validation proceeding is pending.

5. It appears that the petitioner was placed on a supernumerary post without hearing the petitioner and without adhering to the principles of natural justice. In view of that impugned order placing the petitioner on supernumerary post is quashed and set aside. The respondent-employer, if, it wants to take any action, for the said purpose shall issue notice to the petitioner and observe principles of natural justice.

6. Writ petition accordingly is disposed of. No costs.

7. In view of the disposal of the writ petition, civil applications also stand disposed of.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.