

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

28 WRIT PETITION NO.3249 OF 2021

Sunil s/o Rama Shelke,
Age: 28 years,
Occu.: Service (Police Constable),
R/o. Dhamni, Tq. Sillod,
Dist. Aurangabad **..Petitioner**

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Home Department, Mantralaya,
Mumbai-32
2. The Commandant,
State Reserve Police Force,
Group-10, Soregaon Camp, Solapur,
Tq. and Dist. Solapur. Pin-413008
3. The Joint Director and Member Secretary,
Scheduled Tribe Certificate Verification
Committee,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad,
Dist. Aurangabad **.. Respondents**

...
Advocate for Petitioner: Mr. Thorat Chandrakant R.
AGP for Respondents: Mr. P. S. Patil
...

50 WRIT PETITION NO.3274 OF 2021

Vishwanath s/o Vilas Sunkawar,
Age: 26 years, Occu.: Service (Police
Constable),
R/o. Madnapur, Tq. Mahur,
Dist. Nanded **..Petitioner**

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Home Department, Mantralaya,
Mumbai-32
2. The Commandant,
State Reserve Police Force,
Group-10, Soregaon Camp, Solapur,
Tq. and Dist. Solapur. Pin-413008
3. The Joint Director and Member Secretary,
Scheduled Tribe Certificate Verification
Committee,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad,
Dist. Aurangabad

.. Respondents

...
Advocate for Petitioner: Mr. Thorat Chandrakant R.
AGP for Respondents: Mr. P. S. Patil

...

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

DATE: 22nd FEBRUARY, 2021

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*):

1. Rule. Rule returnable forthwith. With the consent of learned Counsel for respective parties matter is heard finally.

2. At the request of learned Counsel for the petitioners, leave to add Scrutiny Committee as a party.

3. The learned A.G.P. accepts notice for the respondents.

4. The petitioners tribe claims are pending validation with the scrutiny committee. The petitioners had earlier filed Writ Petition Stamp No. 10042 of 2020 and Writ Petition Stamp No. 10757 of 2020 against placing the petitioners on supernumerary posts. This Court under judgment and order dated 19.06.2020 allowed the said writ petitions; setting aside the orders placing the petitioners on supernumerary posts. This Court also directed the committee to decide the validation proceedings of the petitioners expeditiously. The respondent / employer has again passed the same orders which were set aside by this Court in the earlier writ petitions placing the petitioners on supernumerary posts. The wordings also appear to be the same.

5. The respondent was bound by the orders passed by this Court. In fact, by passing the impugned orders, the respondents are committing contempt of

the orders of this Court. It does not appear from the orders that the petitioners were issued with the notices as was directed in the earlier orders passed by this Court.

6. The learned A.G.P. shall communicate to the respondents that, in case, they flout the orders of this Court passed earlier, this court would take serious view of the same.

7. The petitioners shall appear before the Scrutiny Committee on 08.03.2021. The Scrutiny Committee, shall, thereafter, endeavour to decide the proceedings expeditiously and preferably within a period of six (06) months. The petitioners shall cooperate in expeditious disposal of the proceedings.

8. As the validation proceedings are pending, the impugned orders are quashed and set aside on the same terms as the earlier orders dated 19.06.2020 passed in Writ Petition Stamp No.10042 of 2020 and Writ Petition Stamp No. 10757 of 2020.

9. Rule accordingly made absolute.

10. Writ Petitions are accordingly disposed of.

No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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