

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

**966 WRIT PETITION NO.4906 OF 2021
BALKRUSHNA RAMRAO PITLAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner:

Mr.Manohar Deshpande h/f. Mr.Golegaonkar Madhur A.
AGP for Respondents/State: Mrs. V. N. Patil Jadhav

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

DATE: 18th MARCH, 2021

PER COURT:

1. It is submitted that validation proceeding in respect of the tribe claim of the petitioner is pending with the Scrutiny Committee, the same is not decided.

2. Without issuing notice to the petitioner, the respondents have placed the petitioner on the supernumerary post. The proposal has been submitted for the validation to the Scrutiny Committee, well within the time as contemplated under the Circular dated 30.07.2013.

3. As the impugned action is without notice to the petitioner, we quash and set aside the impugned action.

4. In case, the respondents want to take action against the petitioner of placing the petitioner on supernumerary post or otherwise, then notice shall be issued to the petitioner giving opportunity to show cause. In that event, the petitioner can file reply and bring all the relevant facts to the notice of the respondent-Scrutiny Committee.

5. The Scrutiny Committee shall decide the validation proceeding expeditiously and preferably within a period of six (06) months.

6. The petitioner shall appear before the Scrutiny Committee on 07.04.2021.

7. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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