

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

28 WRIT PETITION NO.3794 OF 2021

UMESH POPAT KOLTE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. S. R. Barlinge
AGP for Respondents/State: Mrs. P. V. Diggikar

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

DATE : 1st March, 2021

P.C. :

. The learned counsel submits that validation proceeding regarding the tribe claim of the petitioner is pending since the year 2013, the same is not yet decided. The employer has placed the petitioner on supernumerary post under the impugned order.

2. The order it appears is passed without notice to the petitioner and without hearing the petitioner. The validation proceeding according to the petitioner is still pending. It is not in the hands of the litigants to get the proceedings decided within the stipulated period.

3. In light of the above, we pass the following order:

ORDER

- (i) The impugned notice is quashed and set aside.
 - (ii) In case, respondents want to take action similar to the one under the impugned order, then they should first issue notice to the petitioner calling say from the petitioner.
 - (iii) The petitioner shall appear before the Committee on 18th March, 2021.
 - (iv) The Committee shall decide the validation proceeding in respect of the caste claim of the petitioner expeditiously and preferably within a period of four (04) months from the date of appearance of the petitioner.
4. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)