

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

71 WRIT PETITION NO.6405 OF 2020

SARUBAI DNYANOBA PITALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Patil Indrale Anand V.

AGP for Respondents/State: Mr. S. K. Tambe

Advocate for Respondent No.2: Mr. S. S. Bora

...

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

DATE : 1st March, 2021

P.C. :

. The learned counsel for the petitioner submits that the validation proceeding in respect of the tribe claim of the petitioner is pending. The petitioner is placed on supernumerary post without notice to the petitioner and without hearing the petitioner.

2. Mr. Tambe, the learned A.G.P appears for respondent Nos.1 & 4.

3. Mr. Bora, the learned counsel appears for respondent Nos.2 & 3.

4. According to the instructions of the learned A.G.P, the validation proceeding of the petitioner is pending with the committee at the stage of vigilance. The litigant does not have role to play unless the vigilance is conducted. Moreover, the impugned action is

without notice to the petitioner. In light of that, we pass the following order:

ORDER

(I) The petitioner shall appear before the committee on 15th March, 2021. The committee shall endeavour to decide the said proceeding expeditiously and preferably within a period of six months from the date of appearance of the petitioner.

(ii) The impugned order being without adhering to the principal of natural justice is quashed and set aside.

(iii) In case, the respondents want to pass the similar order impugned in the petition, the respondents shall issue notice to the petitioner.

5. Writ petition is, accordingly, disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)