

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

927 WRIT PETITION NO.7170 OF 2021

KISAN BHANUDAS KANTHE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Manohar Deshpande h/f Mr. Madhur A.
Golegaonkar, Advocate for the Petitioner.
Mrs. M. A. Deshpande, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 02nd JULY, 2021.

PER COURT:-

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

2. Without issuing notices to petitioner, the respondents have placed petitioner on the supernumerary post. The proposal is submitted for the validation to the Committee, well within the time as contemplated under the Circular dated 30.7.2013.

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

4. In case respondents want to take action against petitioner of placing petitioner on supernumerary post or otherwise, then notice shall be issued to the petitioner giving opportunity to show cause. In that event, petitioner can file reply and bring all the relevant facts to the notice of the respondent- Committee.2

5. The Committee shall decide the validation proceedings expeditiously and preferably within a period of within six months from the date of appearance of the petitioner.

6. The petitioner shall appear before the Committee on 19.07.2021.

7. In light of above, the Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE