

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

964 WRIT PETITION NO.7659 OF 2021

JAMUNA BALWANTRAO KOLGANE

.. Petitioner

VERSUS

THE STATE OF MAHARASHTRA

THR ITS SECRETARY AND OTHERS

.. Respondents

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Mr S.M. Vibhute, Advocate, h/f. Mr Ghanshyam K. Chinchole,
Advocate for Petitioner

Mrs M.A. Deshpande, Addl. G.P for the Respondents / State

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

DATE : 14-07-2021

PER COURT : -

1. Issue notice to the respondents. The learned Addl. G.P waives service of notice for all the respondents.

2. The validation proceeding in respect of the tribe claim of the petitioner is pending with respondent no.2 - Committee. The petitioner is placed on supernumerary post. The petitioner earlier was also placed on supernumerary post, that order was set aside. In Writ Petition No.1062 of 2021 filed by the petitioner, this Court directed the Committee to decide the validation proceedings within

six months. Six months have yet to lapse. The petitioner is again placed on supernumerary post even without hearing the petitioner.

3. It is not in the hands of the litigants to get the proceedings decided within a stipulated period. According to the learned Counsel for the petitioner, the vigilance is also not yet conducted.

4. The impugned order is quashed and set aside.

5. The respondents shall not withhold the salary of the petitioner only on the ground that the validation proceedings is pending.

6. The Committee once again is directed to decide the validation proceedings, preferably within four months from the date of appearance of the petitioner.

7. The petitioner shall appear before the Committee on 04-08-2021.

8. The respondents shall not take adverse action against the petitioner only on the ground that, the validation proceedings is

pending.

9. The respondents may take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceedings.

10. Writ Petition is disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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