

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

1045 WRIT PETITION NO.7955 OF 2021

BABURAO EKNATH KUNTHEWAD

.. Petitioner

VERSUS

**THE STATE OF MAHARASHTRA
THR ITS SECRETARY AND OTHERS**

.. Respondents

...

Advocate for Petitioner : Mr Ghanshyam K. Chinhole
Addl. GP for Respondents/ State : Mrs M.A. Deshpande

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

DATE : 30-07-2021

PER COURT : -

1. The learned AGP, on instructions, confirms that the validation proceedings in respect of the caste claim of the petitioner is pending with the Respondent / Committee and the report of the vigilance is awaited. The petitioner cannot be faulted with for the pendency of the proceedings before the Committee.

2. It is the fault of the Committee in not adhering to the stipulation in the earlier order dated 20-01-2021 passed by this Court in Writ Petition bearing No.1053 of 2021 filed by the petitioner against the order placing the petitioner on supernumerary post.

3. In fact, the present order ought not to have been passed in view of the earlier order passed by this Court.

4. The impugned order placing the petitioner on supernumerary post is quashed and set aside.

5. The petitioner shall appear before the Committee on 23-08-2021.

6. The Committee shall decide the validation proceedings within six months from the date of appearance of the petitioner.

7. The Committee shall adhere to the time stipulation of the present order and decide the proceedings on its own merits. If the proceedings are not decided within the stipulated period as observed by this Court, then we would take serious view of the matter as this is a second time we are passing the order for the same purpose.

8. The respondents may not take any further steps as against the petitioner and also not deduct the salary of the petitioner only on the ground that the validation proceedings is pending. The employer may take further course of action depending upon the Judgment that

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would be delivered by the Committee in the validation proceedings.

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

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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