

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

**26 WRIT PETITION NO.8191 OF 2021**

**DHANANJAY ASARAM KANKE  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY  
AND OTHERS**

...

**Advocate for Petitioner:  
Mr. G. K. Chinchole h/f. Mr. Vibhute Sunil M.  
AGP for Respondents: Mr. P. K. Lakhotiya**

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

**DATE: 02<sup>nd</sup> AUGUST, 2021**

**PER COURT:**

1. The learned A.G.P. accepts notice for all the respondents.

2. The petitioner is placed on supernumerary post for the second time. Initially, the petitioner was placed on the supernumerary post. The petitioner assailed the same by filing Writ Petition Stamp No. 10849 of 2020. This Court under its judgment and order dated 23.06.2020 allowed the said writ petition setting aside the order placing the petitioner on supernumerary post. In the said order, this Court directed the committee

to decide the proceeding within a period of six (06) months. It appears that as the proceeding is not decided within a period of six (06) months, the impugned order placing the petitioner on supernumerary post has been passed.

3. To get the proceeding decided within a stipulated period is not in the hands of the litigant. The learned Counsel for the petitioner submits that vigilance is not yet conducted. Until the vigilance is conducted the petitioner has no role to play in the proceeding before the scrutiny committee.

4. In light of that, we pass the following order.

5. The impugned order is quashed and set aside.

6. The respondent / scrutiny committee shall decide the validation proceeding of the petitioner within a period of six (06) months from the date the petitioner appears before the scrutiny committee.

7. The petitioner shall appear before the scrutiny committee on 24.08.2021.

8. The employer may take further course of action depending upon the judgment that will be delivered by the scrutiny committee in the validation proceeding.

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

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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