

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

51 WRIT PETITION NO. 8001 OF 2021

**AJAY ASHRUBA BILPE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Petitioner : Mr. S.M. Vibhute.
AGP for Respondents : Mr. P.G. Borade.

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.
DATED : 26.07.2021**

PER COURT :

The petitioner is placed on supernumerary post. The show cause notice is issued to the petitioner.

2. Earlier also the petitioner was placed on supernumerary post. The petitioner filed Writ Petition bearing No. 6065/2021. This court directed the committee to decide the validation proceedings within six months. The show cause notice was quashed.

3. It appears that the six months has lapsed. Again a fresh show cause notice is issued to the petitioner as to why action should not be taken against the petitioner for non submission of the validity certificate.

4. To get the proceedings decided within the stipulated period is not in the hands of the litigant. The learned counsel submits that vigilance is not yet conducted. Unless and until the vigilance is conducted, the petitioner has no role to play in deciding the validation proceedings.

5. It is failure on the part of scrutiny committee to decide the validation proceedings within the period stipulated by this Court in its order dated 08.09.2020 in its Writ Petition No. 6065/2020. The petitioner cannot be faulted with.

6. In the light of the above, we pass the following order :

ORDER

- i. The impugned show cause notice is quashed and set aside.
- ii. The employer shall not take adverse action against the petitioner only on the ground that the validation proceedings is pending.
- iii. The petitioner shall appear before the committee on 10.08.2021.

- iv. The committee shall endeavor to decide the proceedings within the period of six months.
- v. Twice we have issued the directions to the committee to decide the proceedings within the stipulated period. The committee has failed to decide it. Now if the committee fails to decide the proceedings within the period of six months as directed herein, we may take a serious view of the matter.
- vi. The employer will take further course of action depending upon the judgment that may be delivered by the committee in the validation proceedings.
- vii. Writ Petition is disposed of. No costs.

(R.N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)