

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

**WRIT PETITION NO. 13149 OF 2021**

Tushar Anil Thakur

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Madhur A. Golegaonkar, Advocate for the Petitioner.

Mr. P. K. Lakhotiya, AGP for Respondent Nos. 1 to 4.

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

**DATED : 30<sup>th</sup> November, 2021.**

**PER COURT:-**

. The validation proceeding in respect of the tribe claim of the petitioner is pending since the year 2018. The petitioner is placed on supernumerary post pursuant to the impugned order.

2. Initially, the petitioner was placed on supernumerary post. The same was set aside by this Court in writ petition filed by the petitioner bearing Writ Petition No. 2980 of 2020. Under order dated 20.02.2020 we had directed the committee to decide the proceeding within a period of six (06) months. It appears that, the committee has not decided the proceeding. Thereafter, again the petitioner was placed on supernumerary post. The said order is set aside by this Court in writ

petition filed by the petitioner bearing Writ Petition no. 10749 of 2020 under order dated 16.06.2020. In the said order, we had directed the committee to decide the proceeding and at the same time we had directed that the respondents shall not place the petitioner on supernumerary post only on the ground that validation proceeding is pending and permitted the respondents to take further course of action depending upon the judgment that would be delivered by the committee. Under the impugned order the petitioner is again placed on supernumerary post. The same is erroneous. From perusal of the impugned order it appears that, the respondent/employer is not communicated with the order of this Court dated 16.06.2020 in Writ Petition No. 10749 of 2020.

3. As this Court has specifically prohibited the employer from taking coercive action against the petitioner till the pendency of the validation proceeding before the committee, it was inappropriate on the part of the employer to pass the impugned order.

4. The impugned order is quashed and set aside.

5. It also appears that the committee has not decided the proceeding in spite of this Court directing the committee to decide the proceeding within the period stipulated.

6. The petitioner shall appear before the committee on 16.12.2021. The committee shall thereafter decide the validation proceeding within a period of six months from the date of appearance of the petitioner. In case, the committee does not decide the validation proceeding within a period of six months, the court will take serious view of the matter. Earlier directions are also not complied by the committee of deciding the proceeding as stipulated in the earlier orders.

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

8. The petitioner shall serve the copy of this order upon the employer.

9. Writ petition is disposed of. No costs.

**( R. N. LADDHA )**  
**JUDGE**

**( S. V. GANGAPURWALA )**  
**JUDGE**

PS.B.