

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

71 WRIT PETITION NO.10309 OF 2021

**KAILAS SHAMRAO THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. D.B. Shinde
AGP for Respondents State : Mr. K.N. Lokhande
...

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.
DATED : 20/09/2021.**

PER COURT :

1. It submitted that validation proceeding in respect of the tribe claim of petitioner is pending with the scrutiny committee, the same is not decided.
2. The learned A.G.P accepts notice for all respondent Nos. 1 and 2.
3. Without issuing notices to petitioner, the respondents have placed petitioner on the supernumerary posts. The proposal has been submitted for the validation to the Committee, well within the time as contemplated under the Circular dated 30.07.2013.

4. As the impugned action is without notice to petitioner, we quash and set aside the impugned action.

5. In case, respondents want to take action against petitioner of placing petitioner on supernumerary posts or otherwise, then notice shall be issued to petitioner giving opportunity to show cause. In that event, petitioner can file reply and bring all the relevant facts to the notice of the respondent-Committee.

6. The Committee shall decide the validation proceedings expeditiously and preferably within a period of within six months.

7. The petitioners shall appear before the Committee on 26.10.2021.

8. Writ Petition accordingly disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/