

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

WRIT PETITION NO. 9096 OF 2020

ShahanaP avreen Abdul Kareem .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Parag V. Barde, Advocate for the Petitioner.
Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 3.
Mrs. Anjali B. Dube, Advocate for Respondent Nos. 4 and 5.

**AND
WRIT PETITION NO. 9098 OF 2020**

Shaikh Abdul Aleem Abdul Aziz .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Parag V. Barde, Advocate for the Petitioner.
Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 to 3.
Mrs. Anjali B. Dube, Advocate for Respondent Nos. 4 and 5.

**AND
WRIT PETITION NO. 9099 OF 2020**

Shaikh Tahseen Abdul Wahab .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Parag V. Barde, Advocate for the Petitioner.
Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 3.
Mrs. Anjali B. Dube, Advocate for Respondent Nos. 4 and 5.

AND
WRIT PETITION NO. 9100 OF 2020

Khan Naaz Firdose Akbar Khan .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Parag V. Barde, Advocate for the Petitioner.
Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 to 3.
Mrs. Anjali B. Dube, Advocate for Respondent Nos. 4 and 5.

AND
WRIT PETITION NO. 9101 OF 2020

Shobha Fakira Pawar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Parag V. Barde, Advocate for the Petitioner.
Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 to 3.
Mrs. Anjali B. Dube, Advocate for Respondent Nos. 4 and 5.

AND
WRIT PETITION NO. 9105 OF 2020

Shabana Azmi Abdul Khalique .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Parag V. Barde, Advocate for the Petitioner.
Shri S. P. Tiwari, A.G.P. for Respondent Nos. 1 to 3.
Mrs. Anjali B. Dube, Advocate for Respondent Nos. 4 and 5.

AND
WRIT PETITION NO. 9106 OF 2020

Tahseen Abdul Hamid Khan .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Parag V. Barde, Advocate for the Petitioner.
Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 to 3.
Mrs. Anjali B. Dube, Advocate for Respondent Nos. 4 and 5.

AND
WRIT PETITION NO. 9107 OF 2020

Qureshi Waheeda Begum Mohd Usman .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Parag V. Barde, Advocate for the Petitioner.
Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 to 3.
Mrs. Anjali B. Dube, Advocate for Respondent Nos. 4 and 5.

AND
WRIT PETITION NO. 9108 OF 2020

Asmat Sultana Mohd. Azam .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Parag V. Barde, Advocate for the Petitioner.
Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 3.
Mrs. Anjali B. Dube, Advocate for Respondent Nos. 4 and 5.

CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 06TH JANUARY, 2021.

FINAL ORDER :

. In all these matters, the petitioners are appointed from the Scheduled Tribe category.

2. The petitioners are employees of the respondent No. 4/Aurangabad Municipal Corporation. The employer has placed the petitioners on supernumerary post on the ground that

validity certificates are not yet submitted. Same is assailed in the present writ petitions.

3. Mr. Barde, the learned counsel for the petitioners submits that, the proposals are forwarded by the Municipal Corporation to the Scrutiny Committee for validation of the tribe claims of the petitioners in the year 2013. The matters are pending with the Committee. The Committee has also communicated the factum of pendency of the validation proceedings, still the corporation has placed the petitioners on supernumerary post.

4. Mrs. Dube, the learned advocate for respondent Nos. 4 and 5 submits that, the petitioners are appointed from the Scheduled Tribe category. They are required to submit the validity certificates within six months. The validity certificates are not yet submitted. In view of that and also in view of the judgment of the Apex Court in the case of Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others reported in *2017(8) SCC 670*, the Corporation has rightly placed the petitioners on supernumerary posts.

5. The learned Assistant Government Pleaders in respective writ petitions upon instructions from the Committee confirm that validation proceedings of the petitioners are pending with the Committee.

6. To get the proceedings decided within stipulated period is

not in the hands of a litigant. It is submitted that in some of the matters vigilance has been conducted and in some of the matters vigilance is not conducted. Until the copy of vigilance report is served upon the petitioners, the petitioners would not have any role to play in the validation proceedings.

7. In view of the fact that, the validation proceedings are still pending before the Committee and it does not appear that the petitioners are responsible for delay in deciding validation proceedings, we pass following order.

O R D E R

- A. The impugned communication is quashed and set aside.
- B. The scrutiny committee shall decide the validation proceedings in respect of tribe claims of the petitioners on its own merits, expeditiously and preferably within a period of six (06) months from the date of the appearance of the petitioners.
- C. The petitioners shall appear before the Committee on 02nd February, 2021.
- D. The petitioners shall co-operate in expeditious disposal of the validation proceedings before the Scrutiny Committee.
- E. The employer may take further course of action depending upon the judgment that would be delivered by the Committee in

the validation proceedings of the petitioners.

F. The writ petitions are disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Jan. 21