

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

55 WRIT PETITION NO.5423 OF 2020

GANESH DATTATRAYA THAKUR

VERSUS

THE STATE OF MAHARASHTRA  
THRO PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr K.T. Shirrurkar  
Addl. G.P. for Respondent Nos. 1 to 3 : Mr P.S. Patil  
Advocate for Respondent No. 4 : Mr A.G. Vasmatkar

**CORAM : S.V. GANGAPURWALA AND  
SHRIKANT D. KULKARNI, J.J.**

**DATE : 17<sup>th</sup> JANUARY, 2022**

**PER COURT :**

1. The impugned order placing the petitioner in the supernumerary post is passed without notice to the petitioner and without hearing the petitioner.
2. It is trite that if any order adverse to the interest of the parties is passed, the principles of natural justice are required to be adhered to.
3. In light of that, the impugned order is quashed and set aside. The respondents shall not place the petitioner on supernumerary post only on the ground that validation proceeding is pending. The employer may take further course of action depending upon the judgment that will be delivered by the Committee in the validation proceeding.
4. Writ Petition is disposed of. No costs.

**[ SHRIKANT D. KULKARNI, J. ]**

**[ S.V. GANGAPURWALA, J. ]**

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