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

WRIT PETITION NO.5985 OF 2022

**RAVINDRA SHIVDAS THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr S. C. Yeramwar, Advocate for petitioner;
Mr S. K. Tambe, A.G.P. for respondents/State
Smt. J. P. Reddy, Advocate for respondent No.3

**WITH
945 CONTEMPT PETITION NO.302 OF 2022
IN WP/7868/2020**

**RAVINDRA SHIVDAS THAKUR
VERSUS
SHRI. SANTOSH S. THUBE, MEMBER SECRETARY AND
ANOTHER**

....

Mr S. C. Yeramwar, Advocate for petitioner;
Mr P. K. Lakhotiya, A.G.P. for respondents/State
Smt. J. P. Reddy, Advocate for respondent No.2

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 14th June, 2022

PER COURT:

1. Since we noticed that respondent No.3 – Agricultural University, has issued the impugned order, we requested the learned Advocate to cause an appearance on behalf of the University. The learned A.G.P. has caused an appearance on behalf of respondent Nos.1 and 2.

(2)

2. The petitioner has put forth prayer clauses (B) and (C), which read as under :-

*(B) To quash and set aside the impugned Order dated 31.3.2022 issued by the Respondent No. 3 putting services of the Petitioner on supernumerary post for a temporary period of 11 months or till the date of retirement or till final decision by the State Government whichever is earlier for non-submission of the Certificate of Validity (**Exhibit-H**) and direct the Respondent No.3 to allow the Petitioner to work on the permanent post on which he is presently working by issuing appropriate writ, orders, or directions as the case may be;*

C) To direct the Respondent No.2- Scheduled Tribe Certificate Scrutiny Committee, Nashik to decide Tribe Claim of the Petitioner which is pending with the Committee since 6.8.2011 within a stipulated period as this Hon'ble Court deems fit, by issuing the appropriate writ, orders, or directions as the case may be;"

3. Earlier, the petitioner was before us in Writ Petition No.5686/2012. By the judgment dated 16/07/2012, the learned Single Judge quashed and set aside the invalidation of his tribe claim and remanded the matter to the Committee for reconsidering the same. Adverse action against the petitioner was restrained.

(3)

4. Since respondent No.3 – University placed the petitioner on a supernumerary post for 11 months by an order dated 12/10/2020, the petitioner approached this Court in Writ Petition No.7868/2020. By an order dated 27/11/2020, this Court directed that, as the said order was without issuing notice to the petitioner, the same is quashed and set aside. The University was granted liberty to issue notice and take a decision after hearing the petitioner. In the meanwhile, the Committee was directed to decide his claim for validation within two months.

5. It is informed that the Committee has still kept the proceeding of the petitioner pending. Respondent No.3 – University issued notice to the petitioner and though the claim for validation is pending, the impugned order is passed on 31/03/2022, placing the petitioner on a supernumerary post having 11 months tenure.

6. In an identical set of facts, this Court delivered a Judgment on 26/04/2022 in Writ Petition No.4682/2022, filed by Dnyaneshwar Shankar Mude Vs. the State of Maharashtra and others, concluding that the Committee shall decide the claim for validation within six months and no coercive action would be

(4)

taken until such decision and the order placing the petitioner on a supernumerary post, was quashed and set aside.

7. The learned A.G.P. submits on instructions that, the Committee would decide the claim of the petitioner within three months as a re-verification exercise has been initiated.

8. When the claim of the petitioner is pending under the orders of this Court, we find it inappropriate on the part of the University, to issue the impugned order, placing the petitioner on a supernumerary post with 11 months contract of service.

9. As such, this petition is partly allowed.

10. The impugned order dated 31/03/2022 is quashed and set aside and respondent No.2 – Committee is directed to deliver its order, on or before 15/09/2022.

11. In view of the above, the learned Advocate for the petitioner submits on instructions that, Contempt Petition No.302/2022 is sought to be withdrawn by the petitioner, in view of the extension granted by this Court. As such, the said contempt petition stands disposed off.

(ANIL L. PANSARE, J.)
sjk

(RAVINDRA V. GHUGE, J.)