

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

WRIT PETITION NO. 8373 OF 2021

Ashok s/o Madhav Ingle,
Aged about 53 yrs., Occ. Service,
R/o Wan Prakalp Colony, Shegaon,
Distt. Buldhana.

... **Petitioner**

Versus

1. The Vice-Chairman / Member-Secretary,
Scheduled Tribe Caste Certificate
Scrutiny Committee,
Chaprashipura, Amravati
Division, Amravati,
2. The Superintending Engineer,
Irrigation Department, Buldhana,
Tal. & Distt. Buldhana,
3. The Executive Engineer,
Jigaon Project Division and
Punarvasan Department,
Shegaon, Buldhana.
4. The Assistant Engineer,
Jigaon Project Sub-Division
No.2, Mandwa, Shegaon,
Dist. Buldhana.

... **Respondents**

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Advocate for Petitioner : Ms. P. D. Rane.
AGP for Respondent/s-State : Mr. P. S. Patil.

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**CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.**

DATE : 26.04.2022

ORAL JUDGMENT (PER R. D. DHANUKA, J.) :-

1. Rule. Learned AGP waives service of notice for respondent No.1-State. None appears for respondent Nos.2 to 4 though served pursuant to the notice for final disposal issued by order dated 17.02.2020. Rule is made returnable forthwith and heard finally by the consent of the parties.

2. Learned counsel appearing for the petitioner and respondent No.1 jointly state that no reasons are required to be recorded by this Court in view of the fact that by earlier decisions of this Court, the impugned order placing the petitioner similarly situated under supernumerary posts during the pendency of validation proceedings are already quashed and set aside.

3. Learned counsel appearing for the parties jointly state that similar order that was passed by this Court on 05.10.2021 in Writ Petition No.11074 of 2021 be passed in this petition. Statement is accepted.

4. It is an admitted position that the caste claim of the petitioner is pending with the Scrutiny Committee for quite

some time. The petitioner shall appear before the Caste Scrutiny Committee on 09.05.2022 at 11.00 a.m. and shall not seek any unnecessary adjournment. The Committee shall dispose off the proceedings within a period of six (6) months from the date of communication of this order. The impugned order placing the petitioner under supernumerary posts during pendency of validation proceedings is quashed and set aside. The respondents may take further coercive action depending upon the judgment delivered by the Committee in the validation proceedings after expiry of four (4) weeks from the date of communication of the order, if the same is adverse against the petitioner.

5. Writ Petition is allowed in the aforesaid terms. Rule is made absolute accordingly. No order as to costs.
6. Parties to act upon the authenticated copy of the order.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-