

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO.7365 OF 2023

RAVINDRA ASHOK KUREWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH
SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Sunil Mahadevappa Vibhute
AGP for the respondent – State : Mr. P.S. Patil
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 4 JULY 2023

PC :

Heard.

2. The petitioner who has been serving with the Police department is awaiting scrutiny of his tribe claim verification at the hands of the respondent – scrutiny committee. He was before this Court in writ petition no. 8301 of 2014. By order dated 19-09-2014, this Court had relegated the matter back to the scrutiny committee and had directed the petitioner to appear before it on 08-10-2014 and the committee was to decide the case on its own merits. The situation is still the same after lapse of 7 years.

3. The petitioner now claims that even though his case does not fall in any of the contingency contemplated under the GR dated

21-12-2019 he has been put on a supernumerary post by the impugned order dated 30-09-2022.

4. Considering the fact that though the GR dated 21-12-2019 takes into consideration five contingencies for taking a decision for placing an incumbent in a supernumerary post, it does not cover the case of the present kind wherein the petitioner's claim is still pending with the respondent – scrutiny committee which is still to decide it. Therefore, the order placing him in a supernumerary post is clearly not sustainable in law and is not covered by the GR dated 21-12-2019.

5. However, simultaneously, it appears that in spite of the petitioner having secured an order of this Court for decision of his tribe claim he has not been persuading it with the expected zeal. On the one hand he has been enjoying the benefit of his service against a reserved post and is not persuading the committee to decide his claim regarding verification of the certificate. This situation is clearly a creation of the petitioner's own deeds.

6. We will not, in the normal course be passing repetitive orders for the same reliefs. Order dated 19-09-2014 in writ petition no. 8301 of 2014 would take care of the petitioner's grievance. We simply direct him to now appear before the committee on 11 July 2023 and cooperate it in deciding his case.

7. The writ petition is partly allowed.
8. The impugned order dated 30-09-2022 is quashed and set aside.
9. The petitioner shall be placed in a regular post and necessary consequences should follow.
10. We request the committee to decide the petitioner's claim as expeditiously as possible and in any case within three months.
11. We are putting the petitioner to notice that if he fails to co-operate the scrutiny committee in deciding the case within a stipulated time he will have to face the consequences.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/