

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

**REVIEW PETITION NO.28 OF 2023
IN
WRIT PETITION NO. 13195 OF 2022**

Somnath Rajendra Chavan

..... Petitioner

Vs.

The State of Maharashtra & Ors.

..... Respondents

Mr. Sahil D. Choudhary i/b. Mr. Deepak D. Choudhary for the
Petitioner

Mr. K. S. Thorat, AGP for the State

**CORAM: S.V.GANGAPURWALA, ACJ &
S.G.DIGE, J.**

DATED : APRIL 17, 2023

P.C.

1. The Writ Petition of the Petitioner was decided under order dated 16th November 2022.

2. Under the said order, we had directed the Scrutiny Committee to decide the proceedings preferably within six months from the date of appearance. The Petitioner was directed to appear before the Scrutiny Committee on 7th December 2022.

3. The learned AGP informs that the said proceedings are pending and would be decided on its own merits.

4. It is contended by the learned Counsel for the Review Petitioner that in the Writ Petition the Petitioner had also prayed for setting aside the order placing the Petitioner on supernumerary post.

5. We have heard the learned AGP on the said aspect also.

6. While deciding the Writ Petition, we have not dilated upon the aspect of the Petitioner being placed on supernumerary post. The Petitioner is placed on supernumerary post only on the ground that within six months the Petitioner had not submitted the validity certificate. In fact, the validation proceedings are pending. It is only if the claim of the Petitioner is invalidated, then the Respondent employer may take further decision with regard to the services of the Petitioner. However, it would be inappropriate to keep the Petitioner on supernumerary post only on the ground that the validation proceedings are pending.

7. In light of the above, the order passed on 16th November 2022 is reviewed only to the extent of prayer clause (a) of the Writ Petition.

8. It is further ordered that the impugned order in Writ Petition dated 31st December 2019 placing the Writ Petitioner on

supernumerary post is quashed and set aside.

9. The Respondent employer may take further course of action depending upon the judgment that would be delivered by the Scrutiny Committee in the validation proceedings.

10. The Review Petition is disposed of. No costs.

(S.G.DIGE, J)

(ACTING CHIEF JUSTICE)