



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

WRIT PETITION NO. 5138 OF 2024

NAJIULLAHA KHAN FATAHULA KHAN

VERSUS

**STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

...

Shri Nagarsoge Sahebrao A., Advocate for the Petitioner.

Shri M.M. Nerlikar, Addl. GP for Respondent Nos.1 to 3 and
5/State.

Shri Suryawanshi Prashant D., Advocate for Respondent No.4.

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CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 11th December, 2024

Per Court :-

The learned advocate for the petitioner submits that though his tribe claim has been pending with respondent No.5/Scrutiny Committee for years together, he has been superannuated interregnum and he is merely keen in getting pension and pensionary benefits. In the light of the Government Resolution dated 14.12.2022, since he has already been superannuated, he would get all pension and pensionary benefits. He is ready to make an affidavit before the Scrutiny Committee and it may be directed to allow him not to press his proposal and

dispose of the claim.

2. The learned Additional Government Pleader confirms that pursuant to the Government Resolution dated 14.12.2022, the validity of the petitioner's tribe certificate becomes academic as he would be getting all pension and pensionary benefits.

3. In the light of above, we dispose of the Writ Petition permitting the petitioner to approach respondent No.5/ Scrutiny Committee and file an affidavit that he is not interested in deciding the proposal for validation of his tribe certificate. The Committee shall thereupon permit him to do so. After such exercise is over, respondent No.4 shall take necessary steps so that the petitioner gets pension and retiral benefits in accordance with law.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)