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

**969 WRIT PETITION NO.12522 OF 2022
WITH
CIVIL APPLICATION NO. 2518 OF 2024
IN WP/12522/2022**

**CHITTARANJAN GYANOBA DHEMKEWAD
VERSUS
THE SPECIAL INSPECTOR GENERAL OF POLICE
NANDED**

...

Shri Dhakane Rajendra Babaji, Advocate for the Petitioner/
Applicant.

Shri S.K. Tambe, AGP for the Respondents/ State.

...

**CORAM : RAVINDRA V. GHUGE
&
R.M. JOSHI, JJ.**

DATE :- 01st March, 2024

Per Court :-

1. The Petitioner/ Applicant is aggrieved by the notice dated __/12/2023 by which, the Petitioner has been placed on the supernumerary post after his claim of belonging to the Mannervarlu, Scheduled Tribe category, has been invalidated by the Committee.

2. The Petitioner was earlier before this Court in Writ Petition No.3659/2021. Since his claim for validation was

pending, this Court ruled, by order dated 24.02.2021, that he will not be placed on the supernumerary post since the claim was pending and there was no notice of hearing to him.

3. The situation has changed for the present with the invalidation of the Petitioner's claim. He is before this Court in Writ Petition No.12522/2022. By order dated 13.12.2022, this Court recorded in paragraphs 4 and 5 as under:-

“4. The petitioner's biological brother, namely, Vivekanand Gyanoba Dhemkewad has been granted validity certificate of belonging to the 'Mannervarlu – Scheduled Tribe' category by the Competent Committee. Reliance is placed upon Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1, Nagpur, 2010 (6) Mh.L.J.401 : AIR 2010 (6) BOM R 21.

5. In view of the above, the petitioner shall tender an affidavit undertaking addressed to respondent No.3 and a copy to this Court, on or before 22/12/2022, declaring that, until the decision in this petition, he would not seek increments or promotion or service benefits in view of the invalidation of his claim. On the condition of tendering such affidavit undertaking, we direct respondent No.3 / Superintendent of Police, Nanded, not to dispense with the service of the petitioner.”

4. Since the Petitioner's biological brother has been granted the validity certificate by the Committee, at the request of the learned AGP, **we are listing this Writ Petition on**

05.03.2024 (Tuesday) as “part heard”.

5. Since the Writ Petition is now part-heard, **the Civil Application is disposed off.**

kps (R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)