



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 WRIT PETITION NO. 11244 OF 2024

Hanmant Digambar Totewad

VERSUS

The State Of Maharashtra Through It's Principal Secretary And
3 Others

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Advocate for the Petitioner : Mr. C.R. Thorat
AGP for Respondents: Mr. A V Lavte

CORAM : SMT. VIBHA KANKANWADI
AND
S. G. CHAPALGAONKAR, JJ.

Dated : October 14, 2024

FINAL ORDER :-

1. It is submitted that validation proceedings in respect of the tribe claim of the petitioner is pending with the scrutiny committee. The same is not yet decided.
2. It is further submitted by the learned counsel for the petitioner that, without issuing notice to the petitioner and without hearing the petitioner, the respondents have placed the petitioner on supernumerary post. Learned AGP, upon instructions, makes a statement that, since it was in the appointment order that the petitioner should submit the validity certificate within six months and it has not been submitted, no notice was issued.
3. As the impugned action is without notice to the petitioner and without hearing the petitioner, we quash and set aside the impugned action.

4. In case, respondents want to take action against the petitioner of placing the petitioner on supernumerary post or otherwise, then notice shall be issued to the petitioner giving opportunity to show cause. In that event, the petitioner can file reply and bring all the relevant facts to the notice of the respondent – Committee.

5. The respondent No.4/Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously and preferably within a period of Ten (10) months from the date of appearance of the petitioner. The petitioner shall co-operate in expeditious disposal of the proceedings.

6. The petitioner shall appear before the Committee on 22nd October, 2024.

7. In the light of the above, the writ petition accordingly is **disposed of**. No costs.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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