



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.303 OF 2025

1. BANSI KACHRUBA SAKHARWAD
2. HARIBHAU S/O RAMRAO SIRSEWAD
3. DEELIP S/O GANPATRAO BHUSEWAD
4. VIMAL W/O ASHRUBA MANE
5. RAJENDRA S/O RAMCHANDRA MUDIRAJ

VERSUS

1. THE STATE OF MAHARASHTRA THR. ITS PRINCIPAL SECRETARY
RURAL DEVELOPMENT DEPARTMENT, MANTRALAYA, MUMBAI – 32.
2. THE ACCOUNTANT GENERAL OF MAHARASHTRA, 206/5, SAMAJ
KALYAN OFFICE, Rd, CIVIL LINES, NAGPUR, NAGPUR
3. THE CHIEF EXECUTIVE OFFICER, ZILLA PARISHAD, BEED.

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Advocate for the Petitioner : Mr. Thorat Chandrakant R.

AGP for Respondents: Ms. S.S. Joshi

Advocate for Respondent No.3 : Mr. PD. Suryawanshi

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CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.

DATE : 09.01.2025

PER COURT:

We have heard both the sides.

2. The petitioners who stand superannuated are awaiting pension.

3. Admittedly, the petitioners' proposals for validation of their tribe certificates have not been decided by respondent – Scrutiny Committee and in the meantime they stood superannuated.

4. The State Government by its Resolution dated 14.12.2022 *inter alia* created supernumerary post and in respect of such of the Government employees who have faced invalidation directing them to be

transferred to such supernumerary post and have been held entitled to have all the pensionary benefits but not promotion or would not be entitled to derive the benefit of the policy of compassionate appointment.

5. Based on such stand of the State Government, various division benches of this Court in the matters of **Shamrao Shrawanji Nikhare (dead) Through LRs. and Ors. Vs. Scheduled Tribe Caste Certificate Scrutiny Committee and Anr.**; (WP No.248/2020 dated 29.09.2023), **Narendra K. Kumbhare Vs. The Union of India and Ors.**; (WP No.2539/2021 dated 08.08.2023), and **Shankar Shamanna Tangdelu Vs. The State of Maharashtra and Ors.**; (WP No.12274/2024 dated 28.11.2024), have been permitting such employees not to press their proposal before the Scrutiny Committee and were directed to be extended all the pensionary benefits. We follow the same course.

6. Writ petition is disposed of as under :

- a. The petitioners shall file affidavit before the scrutiny committee and the committee shall permit them not to press the proposals within two weeks ;
- b. On such compliance being made the respondent No.3 shall process petitioners pension papers and extend all the pensionary benefits.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)