



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.266 OF 2025

ASHOK NARAYAN SUDEWAD

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, JALNA.
4. THE EDUCATION OFFICER (PRI) Z.P. JALNA, DIST. JALNA

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Advocate for the Petitioner : Mr. Thorat Chandrakant R.

AGP for Respondents: Mr. R.K. Ingole

Advocate for Respondents No.3 and 4: Mr. P.D. Suryawanshi

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

DATE : 09.01.2025

PER COURT:

Leave granted to correct the nomenclature of respondent
No.4 which amendment shall be carried out forthwith.

2. We have heard both the sides.
3. The petitioner who stand superannuated is awaiting pension.
4. Admittedly, the petitioner's proposal for validation of his
tribe certificate has not been decided by respondent – Scrutiny
Committee and in the meantime he stood superannuated.
5. 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.

6. 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.

8. Writ petition is disposed of as under :

- a. The petitioner shall file affidavit before the scrutiny committee and the committee shall permit him not to press the proposal within two weeks ;
- b. On such compliance being made the respondent Nos.3 and 4 shall process petitioner's pension papers and extend all the pensionary benefits.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)