



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1375 OF 2025

VYANKAT NARAYAN TOTAWAD

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH 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, DHARASHIV
(OSMANABAD).
4. THE EDUCATION OFFICER (PRIMARY), PANCHAYAT SAMITI,
ZILLA PARISHAD, DHARASHIV, DIST. DHARASHIV (OSMANABAD)

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Advocate for the Petitioner : Mr. Chandrakant R. Thorat

AGP for Respondent Nos. 1 & 2 : Ms. P. J. Bharad

Advocate for Respondent Nos. 3 & 4 : Mr. B. B. Bhise

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

DATE : 29.01.2025

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 posts and in respect of such of the government employees who have faced invalidation, directing them to be transferred to such supernumerary posts and further making them entitled to have all the pensionary benefits but not promotion and 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 permitted such employees not to press their proposals before the Scrutiny Committee and directing extension of all the pensionary benefits. We follow the same course.

7. 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;
 - 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.)

jhs/