



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1526 OF 2025

MINA NIMBA BIRADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for the Petitioner : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents: Mr. S.R. Wakale
Advocate for Respondents No.2 to 4 : Mr. S.R. Dheple
...

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

DATE : 31.01.2025

PER COURT:

The petitioner is awaiting pension.

2. Issue notice to the respondents. Learned AGP waives service for respondents No.2 to 4.
3. The issue is no more *res-integra*.
4. The petitioner's services were protected. Though he was appointed against a reserved seat and even before he could get scrutiny of his tribe certificate, he stands superannuated. In similar set of facts, this Court in the matter of **Shamrao Shrawanji Nikhare (dead) through LR.s. 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), has been consistently holding that pensionary benefits cannot be stopped for non-production of certificate of validity once the employee gets superannuated.

5. In the light of that the petition is allowed. The respondents No.2 and 3 are directed to process the petitioner's pension papers in accordance with law, as expeditiously as possible and in any case within six weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

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