



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2942 OF 2025

KAUTIKRAO MOTIRAM SAPKAL

VERSUS

1. THE STATE OF MAHARASHTRA THR. ITS PRINCIPAL SECRETARY
RURAL DEVELOPMENT DEPARTMENT, MANTRALAYA, MUMBAI-32.

2. THE CHIEF EXECUTIVE OFFICER, ZILLA PARISHAD, JALNA.

3. SCHEDULED TRIBES CERTIFICATES SCRUTINY COMMITTEE,
AURANGABAD DIVISION, DIST. : AURANGABAD

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Advocate for the Petitioner : Mr. Jaiswal Nikhil Deepak
AGP for Respondent Nos. 1 and 3 : Ms. S. S. Joshi
Advocate for Respondent No. 2 : Ms. Vaishali Kayankar h/f.
Mr. P. P. Dama

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

DATE : 03.03.2025

PER COURT :

. Issue notice. Learned AGP waives service of notice for
respondent Nos. 1 and 3. Ms. Kayankar h/f. Mr. Dama waives service
of notice for respondent No. 2.

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 LR. 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.

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 within two weeks ;
 - b. On such compliance being made the respondent No. 2 shall process petitioner's pension papers and extend all the pensionary benefits.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)