



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

WRIT PETITION NO. 4019 OF 2020

BABULAL MADHAVRAO SAWALE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. D. R. Irale Patil  
AGP for Respondents No.1 to 3 : Mr. S. R. Yadav Lonikar  
Advocate for Respondent No.4 : Mr. Arvind R. Joshi

...

**CORAM : S. G. MEHARE &  
SHAILESH P. BRAHME, JJ.**

**DATE : 30-01-2025**

**PER COURT:-**

1. Heard the learned counsel for the parties.
2. Since the petitioner could not produce the caste validity, his services were terminated. After termination of his services, the Government has formed a policy by Government Resolution dated 21.12.2019. The employees who have been terminated or relieved from services for want of caste validity certificate, were considered to be in service on humanitarian grounds on temporary basis for for eleven months or up to the period they were to be retired. This benefit should be given to such employment to the date which ever is earlier. The petitioner has initiated the request to respondent No.4/school. It is the contention of the Management that creating supernumerary post is out of its jurisdiction.

Therefore, the proposal was forwarded to respondent No.3 / the Education Officer (Secondary), Zilla Parishad, Jalna. He further forwarded the said proposal to respondent No.2/the Deputy Director of Education, Aurangabad Division, Aurangabad, on 01.02.2020. Since then, no decision has been taken. Whether the petitioner is entitled to the benefit of Government resolution dated 21.12.2019 is within the jurisdiction of the Government. However, for that purpose, the management should have prepared the proposal and sent it to the Government through proper channel for creation of supernumerary post / appointment of the applicant for the period for which he is entitled to as per Government Resolution dated 21.12.2019. The management should prepare the proposal and send to the Government through proper channel within two weeks from today. After receipt of the proposal through channel, the Government should take a decision within a month thereafter, strictly as per law.

3. The writ petition stands disposed of in above terms.

**[ SHAILESH P. BRAHME ]**  
**JUDGE**

**[ S. G. MEHARE ]**  
**JUDGE**