



(1)

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

72 WRIT PETITION NO. 9677 OF 2023

Alka Wamanrao Salunke @ Thakur

VERSUS

1. State of Maharashtra,
through the Secretary,
Social Welfare Department,
Mantralaya, Mumbai
2. Divisional Caste Certificate
Verification Committee, Aurangabad,
through its Member Secretary
@ Deputy Director (Research)
3. Education Officer (Secondary),
Zilla Parishad, Beed
4. Yogeshwari Nutan Vidyalaya,
Parali road, Ambajogai, Dist. Beed
5. Yogeshwari Education Society,
Parali Road, Ambajogai, Dist. Beed
6. The Accountant General,
State of Maharashtra,
206/5, Samaj Kalyan Office Rd,
Civil Lines, Nagpur

....

Mr A. B. Kadethankar, Advocate for petitioner
Ms P. J. Bharad, A.G.P. for respondent Nos.1 to 3

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 13th February, 2025

PER COURT:

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

(3)

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.

6. Writ petition is disposed of as under:

- a. The petitioner shall file affidavit before the respondent/scrutiny committee and the committee shall permit her not to press the proposal within two weeks;
- b. On such compliance being made, respondent Nos.3 and 6 shall process petitioner's pension papers and extend all the pensionary benefits.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

sjk