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

WRIT PETITION NO.11034 OF 2021

Naresh Balsundar Bhandari

VERSUS

1. The State of Maharashtra, thr. its Secretary, General Administration
Department, Mantralaya, Mumbai
2. The Scheduled Tribe Scrutiny Committee, Aurangabad, thr. its
Member Secretary
3. The Chief Executive Officer, Jalna Zilla Parishad, Jalna
4. The Deputy Executive Engineer (Construction), Jalna Zilla
Parishad, Jalna

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Mr P. V. Jadhavar, Advocate for petitioner

Mr Amar V. Lavte, A.G.P. for respondent Nos.1 & 2

Mr P. D. Suryawanshi, Advocate for respondent No.3

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 13th February, 2025

ORDER (PER : PRAFULLA S. KHUBALKAR, J.)

1. We have heard both the sides.
2. The petitioner who stand superannuated on 28/02/2019, is
awaiting pension.
3. Admittedly, the petitioner's proposal for validation of his
tribe certificate of '*Mannervarlu*' Scheduled Tribe has not been

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decided by respondent No.2/ Scrutiny Committee and in the meantime he 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 his LRs. and Ors. Vs. Scheduled Tribe Caste Certificate Scrutiny Committee and Anr.**; (WP No.248/2020, decided on 29/09/2023), **Narendra K. Kumbhare Vs. The Union of India and Ors.**; (WP No.2539/2021 decided on 08/08/2023), and **Shankar Shamanna Tangdelu Vs. The State of Maharashtra and Ors.**; (WP No.12274/2024 decided on 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.

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6. 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 Nos.3 and 4 shall process petitioner's pension papers and extend all the pensionary benefits to him.

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

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