



(1)

937 wp 5649.25

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

937 WRIT PETITION NO. 5649 OF 2025

**PRABHAKAR RAVAN GHATE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

**AND
944 WRIT PETITION NO. 5670 OF 2025**

**FULCHAND MARUTI GHANTE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

**AND
915 WRIT PETITION NO. 4513 OF 2025**

**SHAHURAJ SANTRAM BOYANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS**

.....
Advocate for the Petitioner/s : Mr. Yeramwar Sushant C. and
Mr. Ramesh B. More in respective petitions
AGP for Respondents/State : S/Shri S.V. Hange, R.K. Ingole
Advocate for Respondents : Mr. S.B. Ghute
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**CORAM : MANGESH S. PATIL &
Y.G. KHOBRADE, JJ.
DATE : 30.04.2025**

P.C. :-

We have heard both the sides.

2. The petitioners who stand superannuated are awaiting pension.

3. Admittedly, the petitioners' proposals for validation of their tribe certificates have not been decided by respondent – Scrutiny Committee and in the meantime they 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 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 petitioners shall file affidavit before the scrutiny committee and the committee shall permit them not to press the proposals within two weeks;
- b. On such compliance being made the respondent No.3 shall process petitioners pension papers and extend all the pensionary benefits.

[Y.G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]