



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

WRIT PETITION NO. 8991 OF 2020

1. Suvarna Sachin Uppal
Age 49 years, Occ. Service
As a Tracer in the Solapur
Municipal Corporation,
R/o. 111, Gulmohar, Complex, Modi,
Solapur, Tq. and Dist. Solapur.
2. Ramchandra Trimbak Painter
Age 48 years, Occ. Service as
An Assistant Engineer in the Solapur
Municipal Corporation,
R/o. Jaisheel Plaza, 145,
Railway Line, Solapur, Tq. and
Dist. Solapur.
3. Shivshankar Balwant Ghate
Age 47 years, Occ. Service as
an Overseer in the Solapur
Municipal Corporation,
R/o. 27, Revansidheshwar Mandir
Bijapur Road, Solapur, Tq. and
Dist. Solapur.
4. Ravindra Kishanrao Kangare
Age 57 years, Occ. Service a
Superintendent Officer in the
Solapur Municipal Corporation,
R/o. 90, H/4, Bhavani Peth,
Solapur, Tq. and Dist. Solapur.
5. Manik Prabhu Fule
Age 57 years, Occ. As a Senior
Clerk in the Solapur
Municipal Corporation,
R/o. Ayra Chanakya Nagar,

Solapur, Tq. and Dist. Solapur.

6. Sidram Vyankatrao Timmigar
Age 51 years, Occ. Service as
a Peon in the Solapur
Municipal Corporation,
R/o. Plot No.12, Bharat Nagar,
Vidi Gharkul, Hyderabad Road,
Solapur, Tq. and Dist. Solapur.
7. Suresh Anand Pagad
Age 52 years, Occ. Service as
a Jamadar in the Solapur
Municipal Corporation,
R/o. 90, Shahu Nagar, Vijapur Road,
Solapur, Tq. and Dist. Solapur.
8. Dinesh Suresh Jamadar
Age 46 years, Occ. As a Junior
Clerk in the Solapur
Municipal Corporation,
R/o. 292, MHADA Colony,
Waman Nagar, Solapur,
Tq. and Dist. Solapur.
9. Babu Malkappa Koli
Age 52 years, Occ. Service as
a Gardner in the Solapur
Municipal Corporation,
R/o. 52, Swastik Nagar, Soregaon,
Solapur, Tq. and Dist. Solapur.
10. Surajkumar Sidramappa Naikodi
Age 63 years, Occ. Service as
a Driver in the Solapur
Municipal Corporation,
R/o. Aman Apartment, Samata Nagar,
Solapur, Tq. and Dist. Solapur.
11. Ganesh Dhondiba Painter
Age 56 years, Occ. As a Senior

Clerk in the Solapur
Municipal Corporation,
R/o. 58, Meera Nagar, Jule,
Solapur, Tq. and Dist. Solapur.

12. Kamal Nivrutti Mali
Age 57 years, Occ. Service as
an Office Superintendent in the Solapur
Municipal Corporation,
R/o. Kshitij Apartment, Modikhana,
Solapur, Tq. and Dist. Solapur.
13. Madhvi Avinash Gaikwad
Age 52 years, Occ. Service as
a Linewoman in the Maharashtra
State Electricity Distribution Co. Ltd.
R/o. Minakshi Kunj, B.No.3, Second
Floor, MSEB Office, Krushna Nagar,
Satara, Tq. and Dist. Satara.
14. Vidya Narayan Koli
Age 53 years, Occ. Service as
a Deputy Manager in the Maharashtra
State Electricity Distribution Co. Ltd.
R/o. Bapuram Nagar, Kalamba,
Kolhapur, Tq. and Dist. Kolhapur.
15. Nita Dilip Algundangi
Age 52 years, Occ. Service as
a Deputy Manager in the Maharashtra
State Electricity Distribution Co. Ltd.
R/o. 15, Swami Vivekananda Nagar,
Vijapur Road, Solapur,
Tq. and Dist. Solapur.
16. Raghunath Shivaji Adhatrao
Age 54 years, Occ. Service as
a Deputy Manager in the Maharashtra
State Electricity Distribution Co. Ltd.
R/o. Vaishnavi Nagar, Isbhavi,
Tq. Pandharpur, Dist. Solapur.

17. Lahu Anna Ankushe
Age 53 years, Occ. Service as
a Deputy Manager in the Maharashtra
State Electricity Distribution Co. Ltd.
R/o. Shivgaury, C-14, Alle Nagar,
Vasant Vihar, Solapur,
Tq. and Dist. Solapur.
18. Parshuram V. Koli
Age 55 years, Occ. Service as
a Deputy Manager in the Maharashtra
State Electricity Distribution Co. Ltd.
R/o. A/p Khalati, Tq, Jat, Dist. Sangli.
19. Anil Dhondiram Koli
Age 54 years, Occ. Service as
a Deputy Manager in the Maharashtra
State Electricity Distribution Co. Ltd.
R/o. Ganga Nagar, Galli No.1,
Sangli, Tq. and Dist. Sangli.
20. Sarojant Shripat Taral
Age 55 years, Occ. Service as
an Assistant Accountant in the
Maharashtra State Electricity
Distribution Co. Ltd.
R/o. 48, Ganga Nivas, Postal
Colony, R.K. Nagar Road,
Kolhapur, Tq, and Dist. Kolhapur.
21. Laxman Y. Waghmare
Age 51 years, service as an
Assistant Accountant in the
Maharashtra State Electricity
Distribution Co. Ltd.
R/o. 399/400, Yash Nagar,
Murarji Peth, Solapur,
Tq, and Dist. Solapur.
22. Arvind P. Adhatrao
Age 54 years, Occ. Service as

an Assistant Accountant in the
Maharashtra State Electricity
Distribution Co. Ltd.
R/o. 3/1, Lokhandwala Park,
Bhima Nagar, Jule, Solapur,
Tq, and Dist. Solapur.

23. Mohan Dhansing Chaudhari
Age 50 years, Occ. As a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. 547, Uttar Sadar Bazar,
Jagdamba Chowk, Solapur,
Tq. and Dist. Solapur.
24. Ambadas M. Adhatrao
Age 53 years, Occ. As a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. MSEB Colony, Mangalwedha,
Tq. Mangalwedha, Dist. Solapur.
25. Vitthal H. Nimale
Age 49 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. Mallikarjun Nagar,
Akkalkot Road, Solapur,
Tq. and Dist. Solapur.
26. Balbhim Mahadev Koli
Age 55 years, Occ. Service as a
Chief Technician in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. Shete Nagar, Laxmi Peth,
Solapur, Tq. and Dist. Solapur.
27. Bharat Hari Tarapurkar
Age 53 years, Occ. As a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.

R/o. 357, Karnik Nagar, Solapur,
Tq. and Dist. Solapur.

28. Datta Bharat Kamble
Age 54 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. E-17, Shete Nagar, Laxmi
Peth, Solapur, Tq. and Dist. Solapur.
29. Tanaji Mahadeo Hejerao
Age 54 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. 151/262, Laxmi Nagar,
Degaon Road, Solapur,
Tq. and Dist. Solapur.
30. Satish Narhari Shirsat
Age 53 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. Second PH-B, 37,
Abhimanshree Nagar, Murarji
Peth, Solapur, Tq. and Dist. Solapur.
31. Bolik Tukaram Koli
Age 52 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. 143-B, Swami Vivekananda
Nagar-2, Vijapur Road,
Solapur, Tq. and Dist. Solapur.
32. Ravindra Babusha Koli
Age 53 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. 166, Krushna Nagar,
Anna Colony, Solapur, Tq. and Dist. Solapur.

33. Rajendra Babusha Koli
Age 53 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. 166, Krushna Nagar,
Anna Colony, Solapur, Tq. and Dist. Solapur.
34. Sukhadev Chanappa Koli
Age 54 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. 157, Vivekanda Nagar,
Solapur, Tq. and Dist. Solapur.
35. Anil Chanappa Koli
Age 50 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. Shelgi Gawthan, Shelgi,
Tq. and Dist. Solapur.
36. Satyappa Ravappa Shetsandi
Age 52 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. 160, Vivekanda Nagar, Hattur
Vasti, Solapur, Tq. and Dist. Solapur.
37. Dilip Shankar Abhangrao
Age 45 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. Koli Galli, Juni Peth,
Pandharpur, Tq. Pandharpur, Dist. Solapur.
38. Arvind Chandram Jamadar
Age 51 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. MSEB Colony, Juni Mill
Compound, Solapur, Tq. and Dist. Solapur.

39. Jaywant Baburao Paspule
Age 35 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. United Vihar, Murarji Peth,
Solapur, Tq. and Dist. Solapur.
40. Santoshkumar Pundlik Natikar
Age 48 years, Occ. Service as a
Senior Technician in the Maharashtra
State Electricity Distribution Co. Ltd.
R/o. K-60/61, Utkarsha Nagar,
Vijapur Road, Solapur,
Tq. and Dist. Solapur.
41. Yashwant Sidram Gade
Age 52 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. 393/19, Yash Nagar,
Murarji Peth, Solapur,
Tq. and Dist. Solapur.
42. Rajesh Parmanand Choudhari
Age 46 years, Occ. Service as a
Lineman in the Maharashtra State
Electricity Distribution Co. Ltd.
R/o. Isbhavi Vishwa Mandir,
Pandharpur, Tq. Pandharpur,
Dist. Solapur.
43. Sanjay Balkrishna Koli
Age 49 years, Occ. Service as
an Assistant Accountant in the Maharashtra
State Electricity Distribution Co. Ltd.
R/o. 103, Rajyog Apartment,
Behind Akashwani, Sangli,
Tq. and Dist. Sangli.
44. Ranjit Balkrishna Koli
Age 53 years, Occ. Service as

LDC in the Maharashtra
State Electricity Distribution Co. Ltd.
R/o. Ghorl Colony, MSDCL
Sub-Station, Kurundwad,
Tq. Shirol, Kolhapur.

45. Dhondappa Kamble
Since deceased through his
official Nominee Nitin
Dhondappa Kamble
Age 21 years, Occ. Nil
R/o. A/p. Bhandarakarta, South
Solapur, Tq. and Dist. Solapur.
46. Suresh Nagnath Waghmare
Age 45 years, Occ. Service in
the Office of the Superintendent
of Police, Solapur Gramin,
A/p. Taratgaon, Tq. Mohol, Dist. Solapur. Petitioners

VERSUS

1. The State of Maharashtra
Through the Additional
Chief Secretary, General
Administration Department,
Mantralaya, Mumbai.
2. The State of Maharashtra
Through the Additional Chief
Secretary, Home Department,
Mantralaya, Mumbai.
3. The State of Maharashtra
Through the Additional Chief
Urban Development Department,
Mantralaya, Mumbai.
4. Solapur Municipal Corporation, Solapur,
through the Commissioner,
Solapur, Tq. and Dist. Solapur.

5. The Maharashtra State Electricity
Distribution Co. Ltd.
Through its Chairman and
Managing Director, "Prakashgad",
Plot No.G-9, Anant Kanekar Marg,
Bandra (E), Mumbai 400051.
6. The Commissioner of Police,
Solapur Gramin, Solapur,
Tq. and Dist. Solapur. Respondents

**WITH
CIVIL APPLICATION NO. 1060 OF 2024
IN
WRIT PETITION NO. 8991 OF 2020**

Ramchandra Trimbak Painter And Others .. Applicants

Versus

The State of Maharashtra and Others .. Respondents

Ms. Aummaheshwari S. Jadhav, Advocate h/f Mr. Nishant
Katneshwarkar, Advocate for Petitioners.

Mr. A. R. Kale, AGP for Respondent Nos. 1 to 3 & 6.

Mr. Dilip Bodke, Advocate a/w Mr. Ranjit Gaikwad, Advocate for
Respondent Nos. 4. (Through V.C.).

Mr. D. S. Manorkar, Advocate a/w Mr. D. P. Madkar, Advocate for
Respondent No. 5.

**CORAM : KISHORE C. SANT AND
AJIT B. KADETHANKAR, JJ.**

Date on which reserved for order : 27th July, 2026.

Date on which order pronounced : 06th October, 2026.

FINAL ORDER (*PER KISHORE C. SANT, J.*) :-

1. Heard learned advocate Ms. Jadhav for the petitioners,

learned A.G.P Mr. Kale for respondent Nos. 1 to 3 & 6, learned advocate Mr. Bodke for respondent No. 4 and learned advocate Mr. Manorkar for respondent No. 5. By consent of the parties taken up for final disposal at the stage of admission.

2. By way of this petition, the petitioners have approached this Court challenging Government Decision dated 21.12.2019 issued by the General Administration Department bearing No. BCC/Pra.Kra.-308/16-B. Further challenge is to an orders dated 31.12.2019 and 07.01.2020 whereby the posts held by the petitioners are declared to be supernumerary. The prayer therefore is made to quash and set aside the order dated 31.12.2019.

3. The facts giving rise to present petition are as under :

4. All these petitioners were appointed to different Departments on their respective posts. It is stated that they have spent more than 22 years in service. Some of them have rendered service even for more period. Every petitioner possesses validity certificate issued by the respective caste scrutiny committee as belonging to Special Backward Class ("S.B.C." for short). They

fall in the category of S.B.C. as per Government Decision dated 08.12.1994 issued by the General Administration Department, State of Maharashtra. The petitioners were appointed against 2% posts reserved for S.B.C. category. The State of Maharashtra again through General Administration Department taken decision dated 15.06.1995 and included few more castes in the S.B.C. These persons also became entitled to claim the post in the reservation of 2% already provided for S.B.C. Thereafter on 24.06.2004 the Government took one more decision giving protection to the persons who were appointed prior to 15.06.1995. Their services were considered for the purpose of deciding the seniority. On 30.06.2004 the Government issued one more Government Decision in continuation with Government Decision dated 24.06.2004 reiterating to protect the persons who are taken in service prior to 15.06.1995. Thereafter, again on 30.07.2013 one more Government Decision came to be issued prescribing the procedure in case the caste claim of any of the employees in service is invalidated. On 21.10.2015 by another Government decision Government granted protection to the persons who were appointed against the post reserved for scheduled tribe and whose claim is invalidated.

5. However, thereafter in view of judgment in the case of *Chairman and Managing Director, Food Corporation of India and Ors. Vs. Jagdish Balaram Bahira and Ors.*¹ (hereinafter referred to as “F.C.I. judgment”), a writ petition was filed at Nagpur Bench. One of the prayers in the said petition was to implement the judgment in the case of F.C.I. In the said petition a statement was made by the Chief Secretary that the vacant posts presently occupied by the persons claiming to be belonging to scheduled tribe and those whose claims have been invalidated will be vacated and the persons holding validity will be appointed in their places by the end of December 2019.

6. In between on 21.12.2019 the Government issued a decision and certain category of persons/employees were declared to be on supernumerary posts. This includes;

(i) the employees whose caste certificate as scheduled tribe category is invalidated,

(ii) the employees whose caste certificate as belonging to scheduled tribe is invalidated, however, who thereafter have obtained the caste validity certificate as belonging to S.B.C. or any other reserved category,

¹ (2017) 8 SCC 670

- (iii) the employees who relinquished their claim as belonging to scheduled tribe,
- (iv) the employees who were appointed on the post reserved for persons belonging to scheduled tribe and whose claims were not forwarded to the verification committees,
- (v) the employees whose petitions were pending in the Court challenging the orders of caste scrutiny committee and in whose cases stay is not granted.

7. Based on this resolution various departments issued orders declaring the posts of such employees to be supernumerary. In respect of these petitioners an order came to be passed on 31.12.2019. The petitioners, therefore, have approached this Court.

8. At the very inception, learned Advocate Mr. Bodke appearing for respondent No. 4 raises a preliminary objection in Writ Petition No. 1485/2020 about maintainability of the writ petition. The said objection will be dealt with in the judgment.

9. Learned Advocate Ms. Jadhav appearing for the petitioners vehemently argued that the petitioners were appointed against

the posts reserved for Scheduled Tribe category. In 1994 the S.B.C. category was carved out by resolution. There was option given to continue to claim reservation either as scheduled tribe person or person belonging to S.B.C. In view of the option the petitioners exercised the option of S.B.C. and the same was validated. It is on that basis the entries were taken in the service book. The posts reserved for scheduled tribe were also filled in. Though the judgment in the case of F.C.I. came in July 2017, no action was taken against the petitioners. She submits that this clearly shows that the Government was not inclined to take action against the petitioners. However, in view of filing of petition at Nagpur Bench for implementation of judgment in the F.C.I. case, the Government hastily issued Government Decision 21.12.2019. She invites attention to Government Decision dated 08.12.1994 providing for a separate reservation as S.B.C. It is in this view the petitioners opted for the said category. By way of Government Decision dated 13.06.1995 some more castes were included in S.B.C. It was also made clear that for S.B.Cs the principle of creamy layer would not be applicable. By Government Decision dated 24.06.2004 the services of the persons who were appointed prior to 15.06.1995 against the post

reserved for scheduled tribe are protected. Their promotions were also protected. By further decision dated 30.06.2004 it was again clarified that protection will be applicable only to the persons who are appointed prior to 15.06.1995. By decision dated 21.10.2015 also the protection was extended to the employees even if their caste certificate is declared to be invalid provided their appointment is prior to 1995.

10. She thus submits that the protection is clearly granted by the Government to the persons who were appointed prior to 1995. The F.C.I. judgment came much later in 2017. There was no question of making the said judgment applicable. In the said judgment, in her submission, there is nothing to affect the persons who are already protected. Paragraph No. 69.3 of the said judgment would not be applicable. Though in paragraph No. 69.7 it is held that when the claim is found to be false and certificate is invalidated, the necessary consequences that would flow is to withdrawal of the benefits and there is no question of issuance of retrospective operation.

11. She invites attention to the order passed by the Division Bench of this Court at Nagpur in Writ Petition No. 3140/2018 in

the case of *Organization for the Rights of Tribal, Nagpur Vs. State of Maharashtra, through its Chief Secretary and others*. She submits that this Court recorded the statement of the Chief Secretary of the State that action of making all the posts vacant which are presently occupied by candidates whose caste claims are invalidated and the orders have attained finality, would be completed by December, 2019. Against the above vacant posts meant for reserved category candidates, genuine reserved candidate, would be appointed by December, 2019.

12. She further submits that, however, the Government by considering all these aspects issued a Government Decision dated 21.12.2019 and directed the departments to vacate all the posts reserved for scheduled tribe and to put the persons working on the post on supernumerary post. The case of the petitioners would fall in the category of the persons who gave up the claim as belonging to reserved category. Thereafter the petitioners claim came to be validated. She thus submits that now the Government cannot terminate the services of the petitioners as there is bar of Doctrine of Promissory Estoppel. She thus prays to set aside the Government Decision dated 21.12.2019.

13. Learned Advocate Mr. Bodke appearing for respondent No. 4 opposes the petition. He raised objection to maintainability of the petition. He justifies the Government decision. He submits that it is clear from the judgment in the case of F.C.I. that no matter as to how much period a person has spent in the employment, if such employment is sought by making claim as belonging to reserved category, such person needs to be terminated by taking away all the benefits. Such action is to be taken if a person has taken benefit as belonging to any of reserved categories and has failed to prove his caste/tribe status.

14. Learned AGP Mr. Kale opposes the petition. He submits that Government decision of 1994 is already struck down. The F.C.I. judgment is clear. By way of this petition, the said judgment is sought to be reviewed which is not permissible. The resolution was passed considering the legal position as then in existence. He submits that petitioners not only want the benefits of Government decision of 2014, but also wants the promotion to the higher posts which is not permissible. He further submitted that by showing paragraph No. 60 of the said judgment, wherein the Hon'ble Apex Court has specifically turned down a

submission that the provisions of the Maharashtra Act 2023 of 2001 cannot be applied to admissions or appointments made prior to the date on which the Act came into force. He submits that the petitioners are not entitled to be in service at all. He relied upon the judgment in the case of *Chief Regional Officer, Oriental Insurance Company Limited Vs. Pradip And Another*². He submits that in the present case the appointments of the petitioners were against the posts reserved for scheduled tribe persons. He thus submits that the Government Decision of 2019 is clearly applicable to all the petitioners.

15. In rejoinder, Ms. Jadhav submits that all these issues have already been considered in the judgment passed by this Court dated 04.05.2021 in Writ Petition No. 903/2020 in the case of *Raja Tukaram Shinde Vs. The State of Maharashtra And Another* alongwith other connected petitions. This judgment is also confirmed by the Hon'ble Apex Court by its order dated 28.04.2025 in Civil Appeal No. 6212/2025. In the judgment this Court has clearly held, in her submission, that F.C.I. judgment will not be applicable where the rights of the parties have already been crystallized. She again reiterates that in the present case the

² (2020) 11 SCC 144.

Government itself has granted benefits to the persons like petitioners who are appointed prior to 1995 and in that view the petitioners cannot be put on supernumerary post by virtue of Government Resolution dated 21.12.2019.

16. This Court has considered all these submissions. Parties have relied upon various judgments. The main contention of the petitioners is that the F.C.I. judgment would not have retrospective effect. The main argument of the petitioners now is on the basis of the judgment of this Court in the case of ***Raja Tukaram Shinde*** (*supra*). From reading of the judgment it is seen that the petitioners therein had approached this Court when the judgments were delivered in favour of the petitioners therein. It is thereafter the F.C.I. judgment came.

17. This Court by considering all these aspects specifically held that, even if the judgment is wrong and has attained finality those are binding upon the parties. Any change in law or change in a view by any judgment thereafter even by the Hon'ble Apex Court subsequent to attaining such finality to the judgments cannot be unsettled. It is mainly on that count this Court held that the petitioners therein cannot be put on supernumerary

posts. It is clear that the Government Resolution dated 21.12.2019 is issued only in view of F.C.I. judgment. There is nothing to show that the petitioners rights were crystallized before any judicial forum prior to issuance of Government Resolution. Therefore, the petitioners cannot rely upon the judgment in the case of ***Raja Tukaram Shinde*** (*supra*).

18. There is no dispute by any of the parties that the position changed after F.C.I. judgment. It is also considered in many judgments thereafter, holding that the said judgment is applicable retrospectively. The judgment in the case of ***Raja Tukaram Shinde*** (*supra*), this Court has thus carved out a distinction in cases before that Court. The discussion would show that this Court has also accepted the position that the F.C.I. judgment has retrospective effect. Only exception is where the parties have already approached the Court and judgments in their cases have attained finality.

19. Considering all above aspects this Court finds that, no case is made out by the petitioners to entertain the petition. It is not open for the petitioners to say that the F.C.I. judgment is not applicable. From the discussion above, it is clear that the said

judgment is very much applicable and so the Government Resolution dated 21.12.2019. This Court does not find any merit in the submissions of the petitioners. The writ petition stands dismissed.

20. In view of disposal of writ petition, civil application also stands disposed of.

(AJIT B. KADETHANKAR, J.)

(KISHORE C. SANT, J.)

P.S.B.