

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

**937 CIVIL APPLICATION NO.3047 OF 2021
IN
WP/12303/2016
WITH
WP/12303/2016**

**NATHA BABURAO DEVKATE
VERSUS
THE SUB DIVISIONAL OFFICER AND OTHERS**

...
Advocate for Applicant : Mr. S.S. Phatale
AGP for respondents-State : Mr. P.M. Kutti
...

**CORAM : SUNIL P. DESHMUKH AND
ABHAY AHUJA, JJ.**

DATE : 5th MARCH, 2021

ORDER :

1. Issue notice to respondents. Learned A.G.P. waives service of notice on behalf of respondents.
2. Heard learned counsels for parties. In writ petition., protection has already been granted.
3. Learned counsel for applicant refers to order dated 20th July, 2020 passed by this Court in Civil Application No.1394 of 2020 in Writ Petition No.2240 of 2008.

4. In writ petition, the protection is already granted to the petitioner/applicant. The writ petition is pending. In view of the protection granted, the respondents ought not to have placed the applicant on supernumerary post on the ground that the petitioner's caste claim is invalidated.

5. In view of above, the order putting the petitioner on supernumerary post to this extent stands set aside.

6. In view of above, Civil Application stands disposed of.

(ABHAY AHUJA, J.)

(SUNIL P. DESHMUKH, J.)