

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

641 WRIT PETITION NO.844 OF 2021

Ashok S/o Shivaji Mate
Aged about 53 yrs, Occ. Service,
R/o Sainath Nagar, Plot No. 43,
Indu Apartment, Nagpur.

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Chief Secretary,
General Administration Deptt.,
Mantralaya, Mumbai-32.

2. Chief Executive Officer,
Zilla Parishad, Nagpur.

... RESPONDENTS

...
Mr. S. R. Narnaware, Advocate for Petitioner.
Mr. P. S. Patil, AGP for Respondent/State.

...

AND

766 WRIT PETITION NO.3430 OF 2021

Mahesh s/o Deorao Bhiwapurkar
Aged about 50 years, Occ. Field Officer
Maharashtra Pollution Control Board
Udyog Bhavan 5th Floor Civil Lines
Nagpur.

... PETITIONER

VERSUS

1. Maharashtra Pollution Control Board,
Through its Member Secretary,
Kalpataru Point, 3rd and 4th Floor Opp.
PVR Cinema Sion Circle Mumbai.

2. Administrative Officer
Maharashtra Pollution Control Board,
Nagpur 5th Floor Udyog Bhavan Civil Lines
Nagpur.
3. State of Maharashtra
Through Secretary General
Administration Department,
Mantralaya, Mumbai.

... RESPONDENTS

...
Mr. Akshay M. Sudame, Mr. M. M. Sudame, Archita M. Sudame,
Advocate for Petitioner.
Mr. P. S. Patil, AGP for Respondent/State.

...

AND
769 WRIT PETITION NO.3433 OF 2021

- . Viswajeet Chango Warkhade,
Aged about 50 years, Occ: Service,
R/o Ward No. 4, Malkapur,
Tq. Malkapur, Dist. Buldhana.

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai – 400032.
2. The Secretary,
Tribal Development Department,
Mantralaya, Mumbai 400032.
3. The Chief Executive Officer,
Zilla Parishad, Buldhana.

... RESPONDENTS

...
Mr. Mangesh V. Bute, Advocate for Petitioner.
Mr. P. S. Patil, AGP for Respondent/State.

...

AND

786 WRIT PETITION NO.3451 OF 2021

Mohan s/o Govindrao Bhivapurkar,
Aged about 55 years,
Occupation : Service,
R/o. Peth Mangalwari, Umred,
Tah. Umred, Dist – Nagpur.

... PETITIONER

VERSUS

1. State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai – 400 032.
2. Zilla Parishad Nagpur,
Through its Chief Executive Officer,
District – Nagpur.

... RESPONDENTS

...

Mr. Mangesh V. Bute, Advocate for Petitioner.
Mr. P. S. Patil, AGP for Respondent/State.

...

AND

1227 WRIT PETITION NO.8361 OF 2021

Sanjiv Mungutrao Durge,
Aged 47 years, Occu. Service,
R/o. Kalpana Nagar, New Sonkhas,
Mangrulpir, Tah. Mangrulpir,
District – Washim.

... PETITIONER

VERSUS

1. State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.

2. Zilla Parishad Washim,
Through its Chief Executive Officer,
District – Washim.

... RESPONDENTS

...

Mr. R. D. Karode, Advocate for Petitioner.
Mr. P. S. Patil, AGP for Respondent/State.

...

AND

1228 WRIT PETITION NO.8362 OF 2021

- . Santosh S/o Dhanraj Kadu,
Aged : 46 years, Occu. Service,
C/o. Zilla Parishad Primary School
Chendo, Panchayat Samiti Dharni,
District – Amravati.

... PETITIONER

VERSUS

1. State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.
2. Zilla Parishad Amravati,
Through its Chief Executive Officer,
District – Amravati.

... RESPONDENTS

...

Mr. R. D. Karode, Advocate for Petitioner.
Mr. P. S. Patil, AGP for Respondent/State.

...

AND

1238 WRIT PETITION NO.8375 OF 2021

- . Gajanan S/o Tulshiram Ghuse,
Aged : 40 years, Occu. Service as
Asst. Teacher, R/o. Nanded Khurd,
Post Nanded Bk., Tah. Bhatkuli,
District – Amravati.

... PETITIONER

VERSUS

1. State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.
2. Zilla Parishad Amravati,
Through its Chief Executive Officer,
District – Amravati.

... RESPONDENTS

...
Mr. R. D. Karode, Advocate for Petitioner.
Mr. P. S. Patil, AGP for Respondent/State.

...

AND**1248 WRIT PETITION NO.8391 OF 2021**

- .
- Dilip S/o Uttamrao Patkar,
Aged : years, Occ. Service,
R/o. Jawahar Nagar, Akola,
Tq. and District – Akola.

... PETITIONER

VERSUS

1. State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.
2. Zilla Parishad, Akola,
Through its Chief Executive Officer,
Dist. Akola.

... RESPONDENTS

...
Mr. Ram D. Karode, Advocate for Petitioner.
Mr. P. S. Patil, AGP for Respondent/State.

...

AND

WRIT PETITION NO.868 OF 2021

Subhash Bhagwan Suradkar,
Aged about 47 years,
Occupation : Service,
R/o. Kuranwadi, Tq. Jalgaon Jamod,
District – Buldhana.

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai – 400032.
2. The Secretary,
Tribal Development Department,
Mantralaya, Mumbai 400032.
3. The Chief Executive Officer,
Zilla Parishad, Buldhana.
4. Scheduled Tribe Caste Certificate
Scrutiny Committee Division,
Nandurbar, Near R.T.O. Officer,
Sakri Road, Distt. Nandurbar.

... RESPONDENTS

...
Mr. M. V. Bute, Advocate for Petitioner.
Mr. P. S. Patil, AGP for Respondent/State.
...

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 14th October, 2021.

ORAL JUDGMENT: (Per S. V. Gangapurwala, J.)

. Writ Petition No.868 of 2021 is not on board. Upon mentioning, taken on board.

2. Rule. Rule returnable forthwith. With the consent, the matters are taken up for final hearing.

3. The petitioners are granted protection in service though their claim is invalidated in the earlier writ petitions filed by the petitioners. Now, respondent no. 2 has placed the petitioners on supernumerary post.

4. Mr. P. S. Patil, learned AGP accepts notice for respondent/State in all the writ petitions.

5. The issue is no longer *res-integra* in view of the judgment of this Court in Writ Petition No. 903 of 2020 with connected writ petitions dated 04.05.2021. It has been held that, if, the protection in service is granted by this Court upon invalidation of the caste claim, then the employer would not have authority to place the employee on supernumerary post. The judgment of this Court granting protection has attained finality.

6. For the reasons recorded in the judgment dated 04.05.2021 passed in Writ Petition No. 903 of 2020 with connected writ petitions, the present writ petitions are also allowed. The impugned orders placing the petitioners on supernumerary post are quashed and set aside.

7. Rule is accordingly made absolute.

8. Writ Petitions accordingly stand disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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