

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

1012 WRIT PETITION NO.7115 OF 2021

ARUN HIRAMAN NAVASARE
VERSUS
THE STATE OF MAHARASHTRA AD ANOTHER

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Advocate for Petitioner : Mr. S. S. Phatale, h/f Mr. Sushant C. Yeramwar.

AGP for Respondent/State: Mr. S. B. Pulkundwar.

Advocate for Respondent No.2 : Mr. Shailesh P. Brahme.

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

DATE : 06th October, 2021.

P.C.:

1. The learned counsel submits that the petitioner is appointed from Scheduled Tribe category by the respondents. The caste claim of the petitioner was invalidated. The petitioner had filed Writ Petition No.531 of 2017. This Court under the judgment and order dated 15th February, 2017 dismissed the writ petition and confirmed the order of the Tribunal invalidating the caste claim. However, this Court granted protection in service to the petitioner. On 30th June, 2017 SBC validity is issued to the petitioner. The said order has become final. The learned counsel submits that now the petitioner is placed on supernumerary post.

2. Issue notice to the Respondents.

3. The learned AGP accepts notice for Respondents/State.
4. The issue is no longer *res-integra*. In Writ Petition No.903 of 2000 with connected writ petitions, this Court under judgment and order dated 4th May, 2021 has observed that once the protection has been granted by this Court after invalidation of the caste claim, the said order having become final, the respondents cannot place the petitioner on supernumerary post on the ground that the caste claim is invalidated.
5. For the reasons recorded in the judgment and order dated 4th May, 2021 in Writ Petition No.903 of 2020 with connected writ petitions, the impugned order is quashed and set aside.
6. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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