

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

135 WRIT PETITION NO.7602 OF 2021

ASHOK ATMARAM SONAWANE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA THR ITS PRINCIPAL
SECRETARY AND ANOTHER

..RESPONDENTS

...

Mr. Sachin Joshi h/f Mr. Sushant C. Yeramwar,
Advocate for the Petitioner.
Mrs. V. N. Patil-Jadhav, AGP for Respondents-State.
Mr. D. S. Bagul, Advocate for Respondent No.2.

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

DATED : 06th SEPTEMBER, 2021.

PER COURT:-

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.5754 of 2002. This Court under the judgment and order dated 18th October, 2002 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 that is directed to submit SBC validity. On 26.02.2015 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)
JUDGE

(S. V. GANGAPURWALA)
JUDGE