

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

**957 WRIT PETITION NO. 7698 OF 2021**

Anil Arjun Balwant  
and others

.. Petitioners

Versus

The State of Maharashtra and another

.. Respondents

Mr. Sanjay A. Wakure, Advocate for the Petitioners.  
Mrs. M. A. Deshpande, Addl. G. P. for Respondent No. 1.  
Mr. A. B. Dhongade, Advocate for Respondent No. 2.

**1026 WRIT PETITION NO. 7767 OF 2021**

Sanjay Apparao Raut

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Mr. Sanjay A. Wakure, Advocate for the Petitioner.  
Mrs. M. A. Deshpande, Addl. G. P. for Respondent No. 1.  
Mr. A. B. Dhongade, Advocate for Respondent No. 2.

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

**DATED : 16<sup>th</sup> JULY, 2021.**

**PER COURT:-**

. In both these matters, the tribe claims of the petitioners are invalidated. Their services are protected under the orders of this Court in Writ Petition No. 1418 2006 and Writ Petition No. 7771 of 2015 dated 26.02.2016. The petitioners are now placed on supernumerary

posts on the basis of impugned communication on the ground of invalidation of the tribe claims.

2. Mr. Wakure, learned Counsel for the petitioners submits that in all these cases tribe claims of the petitioners were invalidated. The petitioners had filed writ petitions before this Court. This Court confirmed the invalidation, however, granted protection in service.

3. The learned counsel for the petitioners further submits that, now, the petitioners are placed on supernumerary posts by respondent no. 2.

4. Mr. Dhongade, learned Counsel appears for respondent No. 2 and submits that as the tribe certificates of the petitioners are invalidated they are rightly placed on the supernumerary posts; as per the policy of the State Government.

5. We have also heard the learned Additional Government Pleader for the State.

6. The issue is no longer res-integra. This Court under its judgment and order dated 04.05.2021 in Writ Petition No. 903 of 2020 with connected writ petitions held that if the protection has been granted by this Court, the same has become final then it would not be open for the respondent now to place the petitioners on the supernumerary posts.

7. In light of the above and for the reasons recorded in the Judgment and Order dated 04.05.2021 passed in Writ Petition No. 903 of 2020 with connected writ petitions, we follow the same course.

8. In the light of above, the Government Resolution dated 21.12.2019 shall be read in a manner not to include the employees whose tribe claims are invalidated, but are granted protection in employment under the judgments/orders of this Court and the said judgments/orders have attained finality.

9. In view of the aforesaid, the impugned communications placing the petitioners on supernumerary posts are quashed and set aside.

10. Writ Petitions are accordingly disposed of. No costs.

**( R. N. LADDHA )**  
**JUDGE**

**( S. V. GANGAPURWALA )**  
**JUDGE**

PS.B.