

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

WRIT PETITION NO. 8337 OF 2021

Shri. Prashant S/o Haribhau Khawas
Aged about 47 years, Occupation : Service,
R/o Flat No. B/202, second floor,
Anand Palace No. 10, near Akshay Bhavan,
Opposite Ashirwad Bar and Restaurant,
Nehru Nagar, Nandanvan, Nagpur-440009. .. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary, General
Administration Department,
Mantralaya, Mumbai-32.
2. The Commissioner,
Food and Drug Administration,
Survey No. 341, Bandra-Kurla
Complex, Bandra (East)
Mumbai-400051.
3. The Joint Commissioner
(Nagpur Division), Food & Drug
Administration, 5th Floor, B-Wing,
Administrative Building, Civil Lines,
Nagpur. .. Respondents

Mr. S. D. Khati and P. K. Dhomne, Advocates for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 3.

AND

WRIT PETITION NO. 8343 OF 2021

Ganesh S/o Sukhdeo Dhakate
Aged about 52 years, Occupation : Service,
R/o, Sarkarnagar, Kalyani Tower,
Plot No. 121, Behind Radhika Mangal
Karyalaya, Chandrapur. .. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary, General
Administration Department,
Mantralaya, Mumbai-32.
2. The Commissioner,
Chandrapur Municipal Corporation,
Chandrapur, Tahsil & District
Chandrapur .. Respondents

Mr. S. D. Khati and P. K. Dhomne, Advocates for the Petitioner.

Mr. A. R. Kale, AGP for Respondent No. 1.

Mr. A. G.Mate, Advocate for Respondent No. 2.

AND

WRIT PETITION NO. 8344 OF 2021

Smt. Vasanti Moreshwar Bahadure
Aged about 52 years, Occupation : Service
R/o : Vijay Talkij, Bhanapeth
Chandrapur, Dist. Chandrapur .. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary, General
Administration Department,
Mantralaya, Mumbai-32.
2. The Commissioner,
Chandrapur Municipal Corporation,
Chandrapur, Tahsil & District
Chandrapur. .. Respondents

Mr. S. D. Khati and P. K. Dhomne, Advocates for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent No. 1.

Mr. A. G. Mate, Advocate for Respondent No. 2.

AND

WRIT PETITION NO. 8346 OF 2021

Shri Dinkar Pundlik Ingle
Aged about 52 years, Occupation : Service
R/o : PHC Chandol,
District Buldhana .. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary, General
Administration Department,
Mantralaya, Mumbai-32.
2. The Chief Executive Officer,
Zilla Parishad Buldhana. .. Respondents

Mr. S. D. Khati, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondent No. 1.

Mr. T. M. Zaheer, Advocate for Respondent No. 2.

AND

WRIT PETITION NO. 8347 OF 2021

Smt. Surekha W/o Gangadhar Devikar (Bawane)
Aged about 50 years, Occupation : Service
R/o : Plot No. 53, Shrinagar-1, Manewada Road,
Nagpur-440024. .. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary, General
Administration Department,
Mantralaya, Mumbai-32.
2. The Chief Executive Officer,
Zilla Parishad, Civil Lines, Nagpur-01. .. Respondents

Mr. S. D. Khati and P. K. Dhomne, Advocates for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondent No. 1.

Mr. S. N. Gaikwad, Advocate for Respondent No. 2.

AND

WRIT PETITION NO. 8348 OF 2021

Shri Sanjay S/o Marotrao Barwarkar
Aged about 51 years, Occupation : Service
R/o : Mira Changani Nagar, Plot No. 41,
Near Swami Samarth Mandir, Dhamangao
Railway, District Amravati - 444709 .. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary, General

Administration Department,
Mantralaya, Mumbai-32.

2. The Superintending Engineer,
Upper Wardha Sinchan Circle, Upper
Wardha Colony, Shivaji Nagar,
Amravati-444603.

3. Executive Engineer,
Upper Wardha Irrigation Division,
Upper Wardha Colony, Shivaji Nagar,
Amravati-444603.

.. Respondents

Mr. S. D. Khati and P. K. Dhomne, Advocates for the Petitioner.

Mr. P. K. Lakhotiya, AGP for Respondent No. 1.

Mr. S. G. Jagtap, Advocate for Respondent Nos. 2 and 3.

AND

WRIT PETITION NO. 8364 OF 2021

Rajesh S/o Gajanan Nagpure
Aged about 48 years, Occupation : Service
R/o : Mahakali Ward, Chandrapur, Tahsil &
Dist. Chandrapur

.. Petitioner

Versus

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

2. The Commissioner,
Chandrapur Municipal Corporation,
Chandrapur, Tahsil & District
Chandrapur.

.. Respondents

Mr. S. D. Khati and P. K. Dhomne, Advocates for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent No. 1.

Mr. A. G. Mate, Advocate for Respondent No. 2.

AND

WRIT PETITION NO. 8383 OF 2021

Rupesh S/o Devidas Ingale
Aged 45 years, Occupation : Service
R/o : At Post Anandwadi, Akot,
Tq. Akot, Dist. Akola

.. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary, General
Administration Department,
Mantralaya, Mumbai-32.
2. The Chief Executive Officer,
Zilla Parishad, Akola. .. Respondents

Mr. S. D. Khati, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent No. 1.

Mr. Jaipurkar, Advocate for Respondent No. 2.

AND

WRIT PETITION NO. 8384 OF 2021

Pradeep S/o Ramrao Bhiwate
Aged 46 years, Occupation : Service
R/o : Sahara Nagar, Anjangaon
Surji, Tq. Anjangaon Surji,
Dist. Amravati .. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary, General
Administration Department,
Mantralaya, Mumbai-32.
2. The Chief Executive Officer,
Zilla Parishad, Akola. .. Respondents

Mr. S. D. Khati, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent No. 1.

Mr. Jaipurkar, Advocate for Respondent No. 2.

AND

WRIT PETITION NO. 8385 OF 2021

Kashinath S/o Mahadeo Tarale
Aged 55 years, Occupation : Service
R/o : At Post Apoti,
Tq. & Dist. Akola .. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary, General

Administration Department,
Mantralaya, Mumbai-32.

2. The Divisional Controller,
Maharashtra State Road
Transport Corporation, Akola,
Tq. & Dist. Akola.

.. Respondents

Mr. S. D. Khati, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent No. 1.

AND

WRIT PETITION NO. 8386 OF 2021

Ramdas Pandurang Khobarkhede
Aged 52 years, Occupation : Service
R/o Khobarkheda, At Post Apoti
Khurd, Tq. & Dist. Akola

.. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary, General
Administration Department,
Mantralaya, Mumbai-32.
2. The Divisional Controller,
Maharashtra State Road
Transport Corporation, Akola,
Tq. & Dist. Akola.

.. Respondents

Mr. S. D. Khati, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent No. 1.

AND

WRIT PETITION NO. 8387 OF 2021

Ratan S/o Govardhan Patkar
Aged 53 years, Occupation : Service
R/o Pati, Tq. & Dist. Akola

.. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary, General
Administration Department,
Mantralaya, Mumbai-32.
2. The Divisional Controller,
Maharashtra State Road

Transport Corporation, Akola,
Tq. & Dist. Akola.

.. Respondents

Mr. S. D. Khati, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent No. 1.

AND

WRIT PETITION NO. 8402 OF 2021

Rajendra S/o Wasudeorao Nimje
Aged 51 years, Occupation : Service
R/o Ward No. 10, Laxmi Nagar,
Tq. Warud, Dist. Amravati

.. Petitioner

Versus

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

2. The Additional Commissioner,
Tribal Development, Amravati.

.. Respondents

Mr. S. D. Khati and P. K. Dhomne, Advocates for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent Nos. 1 and 2.

AND

WRIT PETITION NO. 8405 OF 2021

Ku. Archana D/o Hajurdas Gokhale
@ Smt. Archana W/o Surendra
Kolhe, Aged 49 years, Occupation : Service
R/o Plot No. 56, Venuvan Society,
Friends Colony, Katol Road, Nagpur

.. Petitioner

Versus

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

2. The Maharashtra Remote Sensing
Application Center, Through its
Director, V.N.I.T. Campus, South
Ambazari Road, Nagpur.

.. Respondents

Mr. S. D. Khati and P. K. Dhomne, Advocates for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent No. 1.

Mr. A. R. Patil, Advocate for Respondent No. 2.

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

DATED : 10th AUGUST, 2021.

ORAL JUDGMENT (PER S. V. GANGAPURWALA, J.) :-

. Rule. Rule made returnable forthwith. With the consent of parties, taken up for final hearing at admission stage.

2. The learned counsel for the petitioners submits that the petitioners are appointed from Scheduled Tribe category. Their tribe claims were invalidated by the scrutiny committee. They had filed writ petitions before this Court at Nagpur. The Division Bench of this Court at Nagpur upheld the judgment of the committee under its judgment and order dated 25.01.2008, but granted protection in service. The said judgment has become final. Now, the petitioners are placed on supernumerary posts. According to the learned counsel, once the protection is granted by this Court, the same cannot be re-opened.

3. The learned A.G.P. in respective writ petitions submit that, in view of the Government Resolution dated 21.12.2019, the employer has rightly placed the petitioners on supernumerary posts.

4. It appears from the judgments on record that the tribe claims of the petitioners as belonging to Scheduled Tribe are invalidated by the

committee. The petitioners filed writ petition before this Court at Nagpur. The invalidation of their tribe claims was upheld by the Division Bench of this Court at Nagpur, however, were granted protection in service. The said judgment has become final.

5. This Court in its judgment and order dated 04.05.2021 in Writ Petition No. 903 of 2020 with other connected matters held that, once the protection granted by this Court has become final, such employees cannot be placed on supernumerary posts.

6. For the reasons recorded in the judgment and order dated 04.05.2021 in Writ Petition No. 903 of 2020 with other connected writ petitions, the impugned order placing the petitioners on supernumerary posts is quashed and set aside.

7. Rule is accordingly made absolute in above terms. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.