

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

86 WRIT PETITION NO.8365 OF 2021

VILAS MADHAORAO DHAPUDKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Nitin A. Jachak & S. K. Hatwar.
AGP for Respondent/State: Mr. S. W. Munde.

...

AND

87 WRIT PETITION NO.8371 OF 2021

MITHUN CHHAYARAM GONNADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Nitin A. Jachak & S. K. Hatwar.
AGP for Respondent/State: Mr. S. W. Munde.

...

AND

89 WRIT PETITION NO.8412 OF 2021

MANOJKUMAR BHARATSINGH BAGHEL
VERSUS
THE STATE OF MAHARASHTRA THR. ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. Nitin A. Jachak & S. K. Hatwar.
AGP for Respondent/State: Mr. S. W. Munde.

...

AND

90 WRIT PETITION NO.8413 OF 2021

YADAV LAXMAN BOKDE
VERSUS
THE STATE OF MAHARASHTRA THR. ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. Nitin A. Jachak & S. K. Hatwar.
AGP for Respondent/State: Mr. S. W. Munde.

...

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

DATE : 30th August, 2021.

P.C.:

. 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.

2. The learned A.G.P. submits that in view of the Government Resolution dated 21.12.2019, the employer has rightly placed the petitioners on supernumerary posts.

3. 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.

4. 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.

5. 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.

6. The writ petitions are disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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