

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

WRIT PETITION NO. 8708 OF 2021

Sandip S/o Nagnathrao Shriramwar,
Age : 44 Years, Occu. : Service,
R/o Laglud, Taluka Bhokar,
District Nanded.

.. Petitioner

Versus

1. The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.

2. The Deputy Director of Land
Records, Kokan Region, Mumbai.

.. Respondents

Shri S. R. Barlinge, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1 and 2.

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

DATE : 10TH AUGUST, 2021.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Rule. Rule made returnable forthwith. The learned Assistant Government Pleader waives notice of rule. With the consent of parties taken up for final hearing at the stage of admission.

2. The learned counsel for the petitioner submits that, the petitioner was appointed from the Scheduled Tribe category. The

tribe claim of the petitioner was invalidated. The petitioner approached this Court by filing writ petition bearing Writ Petition No. 3899 of 2010. This Court under judgment and order dated 07th March, 2016 upheld the judgment of the scrutiny committee, at the same time granted protection in service to the petitioner. The learned counsel further submits that, now under the impugned order, the petitioner is placed on supernumerary post.

3. The learned Assistant Government Pleader for respondent Nos. 1 and 2 submits that, as the tribe claim of the petitioner is invalidated, the respondents in the light of the Government Resolution dated 21st December, 2019 have rightly placed the petitioner on supernumerary post.

4. It is not disputed that, the petitioner is appointed from the S. T. category. His tribe claim is invalidated by the Scrutiny Committee. The petitioner had filed writ petition, bearing Writ Petition No. 3899 of 2010. This Court under judgment and order dated 07th March, 2016 upheld the judgment of the Scrutiny Committee, at the same time protected the services of the petitioner.

5. The issue involved in the present writ petition is no longer *res-integra* in view of the judgment and order dated 04th May, 2021 of this Court in Writ Petition No. 903 of 2020 with other connected writ petitions.

6. In the said judgment, this Court has held that, once protection is granted by this Court, it will not be open for the employer to place the employee on supernumerary post. That judgment of this Court has attained finality granting protection in service.

7. In the light of the above, the impugned order placing the petitioner on supernumerary post is quashed and set aside. Rule accordingly is made absolute in above terms. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 21