

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
941 WRIT PETITION NO.9056 OF 2021**

Ramchandra s/o Namdeo Wagh,
Age-56 years, Occ. Service,
R/o Plot No.87, Rajnagar,
Behind Kalyani Bunglow,
Deopur, Dhule, Tq. & Dist. Dhule. ..PETITIONER

VERSUS

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

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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 : 20th AUGUST, 2021.

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

1. Rule. The learned A.G.P. accepts notice of Rule for respondent no.1. Mr. Bagul, learned counsel accepts notice of Rule for respondent no.2. Taken up for final hearing.

2. The petitioner is assailing the order placing the petitioner on supernumerary post on the ground that caste validity certificate is not submitted.

3. Mr. Yeramwar, learned counsel for the petitioner submits that, petitioner has given up his caste claim as belonging to Scheduled Tribe and obtained S.B.C. certificate. The Scrutiny Committee invalidated the caste claim of the petitioner of Scheduled Tribe. The S.B.C. certificate was sent for verification before the Committee by the employer. The learned counsel further submits that, as per the demand of the employer, the petitioner had submitted S.B.C certificate and the same was sent for validation. The petitioner is entitled for the benefit of the same. The petitioner was terminated as his caste claim as belonging to Scheduled Tribe was invalidated, though the proceeding for validation of S.B.C. certificate was pending. The petitioner filed Writ Petition bearing Writ Petition No.7284/2014. This Court under its judgment and order dated 29.04.2015 allowed the Writ Petition and set aside termination, considering that the S.B.C. certificate of the petitioner is validated in November 2013. This Court granted continuity in service while reinstating the petitioner. The said judgment has become final.

4. The learned counsel relied upon the judgment of this Court in Writ Petition No.903/2020 with other connected writ petitions decided under judgment and order dated 04th May, 2021.

5. We have heard Mr. Bagul, learned counsel for respondent no.2.

6. Mr. Bagul, learned counsel submits that, the petitioner has secured employment from Scheduled Tribe category and the petitioner could not prove his Scheduled Tribe claim. The employer has rightly placed the petitioner on supernumerary post in view of the Government Resolution dated 21.12.2019.

7. We have also heard learned A.G.P.

8. The issue is no longer *res-integra* in view of judgment of this Court. In Writ Petition No.903/2020 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 caste claim is invalidated.

9. For the reasons recorded in the judgment and order dated 4th May, 2021 in Writ Petition No.903/2020 with other connected writ petitions, the impugned order is quashed and set aside.

10. Rule accordingly made absolute in above terms.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE