

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

80 WRIT PETITION NO.918 OF 2021

CHANDRAKANT S/O DAMODHAR SHETE
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Mr. Rajendra J. Kankale.
AGP for Respondent/State: Mr. S. P. Tiwari.

...

AND

81 WRIT PETITION NO.6570 OF 2021

KU. RANGUBAI GOVARDHAN TAPRE
VERSUS
THE STATE OF MAHARASHTRA THR. ITS SECRETARY AND ANOTHER

...
Advocate for Petitioner : Mr. Sachin D. Khati.
AGP for Respondent/State: Mr. S. P. Tiwari.

...

AND

82 WRIT PETITION NO.6571 OF 2021

PURNAJI BANSIRAM TAROLE
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

...
Advocate for Petitioner : Mr. Sachin D. Khati.
AGP for Respondent/State: Mr. S. P. Tiwari.

...

AND

83 WRIT PETITION NO.6601 OF 2021

BANDU SHRIRAM UKARDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Mr. Sachin D. Khati.
AGP for Respondent/State: Mr. P. K. Lakhotiya.

...

AND
84 WRIT PETITION NO.6605 OF 2021

VENUKA BHIMRAO KHEDKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Sachin D. Khati.
AGP for Respondent/State: Mr. P. K. Lakhotiya.

AND
85 WRIT PETITION NO.8351 OF 2021

SHYAMRAO PUNDLIK KHAWALE
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Sachin D. Khati.
AGP for Respondent/State: Mr. S. K. Tambe.
Advocate for Respondent No.2 : M. D. S. Bagul.

AND
88 WRIT PETITION NO.8376 OF 2021

SHIVDAS SHRIRAM RAIBOLE
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Sachin D. Khati.
AGP for Respondent/State: Mr. S. P. Tiwari.
Advocate for Respondent No.2 : M. D. S. Bagul.

AND
91 WRIT PETITION NO.9433 OF 2021

VIJAY SHESHRAO NIKHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. P. K. Dhomne.
AGP for Respondent/State: Mrs. V. N. Patil-Jadhav.

...

AND

93 WRIT PETITION NO.9436 OF 2021

ASHOK MAROTRAO PARATE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. P. K. Dhomne.

AGP for Respondent/State: Mrs. V. N. Patil-Jadhav.

...

AND

94 WRIT PETITION NO.9548 OF 2021

SUBHASH HIMMATRAO DHORE

VERSUS

STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. Sachin D. Khati.

AGP for Respondent/State: Mr. S. P. Tiwari.

Advocate for Respondent No.2 : Mr. D. S. Bagul.

...

AND

96 WRIT PETITION NO.9550 OF 2021

DEOKISAN LAXMANRAO PATKAR

VERSUS

STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. Sachin D. Khati.

AGP for Respondent/State: Mr. S. P. Tiwari.

Advocate for Respondent No.2 : Mr. D. S. Bagul.

...

AND

97 WRIT PETITION NO.9551 OF 2021

UDDHAV UTTAMRAO KALAMKHEDE

VERSUS

STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. Sachin D. Khati.

AGP for Respondent/State: Mr. S. W. Munde.

Advocate for Respondent No.2 : Mr. D. S. Bagul.

...

AND

98 WRIT PETITION NO.9552 OF 2021

VINAYAK DIGAMBAR ANKURKAR

VERSUS

STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. Sachin D. Khati.

AGP for Respondent/State: Mr. S. W. Munde.

Advocate for Respondent No.2 : Mr. D. S. Bagul.

...

AND

99 WRIT PETITION NO.9553 OF 2021

ANIL NAGORAO WAWARE

VERSUS

STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. Sachin D. Khati.

AGP for Respondent/State: Mr. S. W. Munde.

Advocate for Respondent No.2 : Mr. D. S. Bagul.

...

AND

100 WRIT PETITION NO.9554 OF 2021

KAILASH VISHWASRAO KOLTAKKE

VERSUS

STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. Sachin D. Khati.

AGP for Respondent/State: Mr. S. W. Munde.

Advocate for Respondent No.2 : Mr. D. S. Bagul.

...

AND

101 WRIT PETITION NO.9555 OF 2021

VINOD DEVIDAS CHUNIKAR

VERSUS

STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. Sachin D. Khati.

AGP for Respondent/State: Mr. S. W. Munde.

Advocate for Respondent No.2 : Mr. D. S. Bagul.

...

AND

102 WRIT PETITION NO.9556 OF 2021

LEELADHAR INDRABHAN CHUNIKAR

VERSUS

STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. Sachin D. Khati.

AGP for Respondent/State: Mr. S. W. Munde.

Advocate for Respondent No.2 : Mr. D. S. Bagul.

...

AND

103 WRIT PETITION NO.9557 OF 2021

KAILASH RUPRAO TARALE

VERSUS

STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. Sachin D. Khati.

AGP for Respondent/State: Mr. S. P. Tiwari.

Advocate for Respondent No.2 : Mr. D. S. Bagul.

...

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 Advocates for petitioners also informed that they have informed Mr. B. N. Jaipurkar, learned counsel for the employer in some of the matters.

3. The learned A.G.P. and Mr. Bagul, learned counsel for the employer in some of the matters 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 petitions 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. The writ petitions are disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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