

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

WRIT PETITION NO. 9484 OF 2021

Vidya Bhaskar Patil

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Mr. Vishnu Madan-Patil, Advocate h/f Mr. Pratap V. Jadhavar, Advocate for the Petitioner.

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

Mr. S. S. Tope, Advocate for Respondent No. 2.

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

DATED : 27th AUGUST, 2021.

PER COURT:-

1. The petitioner was appointed as a Steno/Typist from Scheduled Tribe category. The tribe claim of the petitioner was invalidated by the scrutiny committee. The petitioner assailed the said judgment before this Court by filing writ petition No. 2752 of 2002. This Court under judgment and order dated 23.06.2015 upheld the judgment of the committee invalidating the tribe claim of the petitioner. At the same time, granted protection in service to the petitioner observing that the petitioner has not obtained caste certificate falsely and fraudulently. Under the impugned communication the petitioner is placed on supernumerary post on the ground that the petitioner has failed to get the validity certificate.

2. We have heard the learned counsel for the petitioner, the learned

A.G.P for respondent No. 1 and Mr. Tope, learned counsel for respondent No. 2.

3. The issue is no longer *res-integra*. This Court under its Judgment and Order dated 04.05.2021 in Writ Petition No. 903 of 2020 with connected writ petitions held that if the protection has been granted by this Court, the same has become final then it would not be open for the respondent now to place the petitioners on the supernumerary posts.

4. In light of the above and for the reasons recorded in the Judgment and Order dated 04.05.2021 passed in Writ Petition No. 903 of 2020 with connected writ petitions, we follow the same course.

5. In the light of above, the Government Resolution dated 21.12.2019 shall be read in a manner not to include the employees whose tribe claims are invalidated, but are granted protection in employment under the judgments/orders of this Court and the said judgments/orders have attained finality.

6. In view of the aforesaid, the impugned communication placing the petitioner on supernumerary post is quashed and set aside.

7. Writ Petitions is accordingly disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.