

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

WRIT PETITION NO. 10145 OF 2021

Shivaji Dattu Koli,
Age : 57 years, Occ. Service,
R/o At Turambe Tq. Radhanagari,
Dist. Kolhapur.

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Chief Secretary,
General Administrative Department
Mantralaya Mumbai.
2. The Collector,
Collector Office Kolhapur,
Division Kolhapur.
3. Dy. Collector,
Collector Office Kolhapur,
Division Kolhapur.
4. The Sub Divisional Officer
Division Radhanagari,
Dist. Kolhapur.
5. The Tahsildar,
Tahsil Office, Radhanagari,
Tq. Radhanagari Dist. Kolhapur.

... RESPONDENTS

...
Mr. Anandsingh Bayas, Advocate for the Petitioner.

Mrs. V. N. Patil-Jadhav, AGP for the Respondents.

...

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

DATE : 28th September, 2021.

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

. Rule. Rule made returnable forthwith. With the consent of the parties, taken up for final hearing.

2 The learned counsel for petitioner submits that the petitioner is appointed from Scheduled Tribe category. The caste claim of the petitioner was referred to the Scrutiny Committee. The Scrutiny Committee invalidated the caste claim of the petitioner. The petitioner filed writ petition challenging the same. This Court upholding the judgment of the Committee, protected the services of the petitioner under the judgment and order dated 15th January, 1997 in Writ Petition No.162 of 1997. Now the petitioner is placed on supernumerary post.

3 We have heard the learned AGP for the respondents.

4 The issue is no longer *res-integra* in view of the judgment of this Court in Writ Petition No.903 of 2020 with connected writ petitions dated 4th May, 2021. It has been held by this Court that once

the judgment has become final inter-parties, the same would operate *res-judicata*.

5 For the reasons recorded in the judgment and order dated 4th May, 2021 in Writ Petition No.903 of 2020 with connected writ petitions, we follow the same course and pass the following order:

ORDER

- I. The Government Resolution dated 21st December, 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 judgment/orders have attained finality.
- II. In view of the aforesaid, the impugned communication placing the petitioner on supernumerary post is quashed and set aside.
- III. Rule accordingly is made absolute in above terms.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]