

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

947 WRIT PETITION NO.10401 OF 2021

RAJEDNRA BHAGWAN SARJE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner: Mr. Jadhavar Pratap V.

AGP for Respondent No. 1: Mr. S. P. Tiwari

Advocate for Respondent No. 2:

Mr. N. S. Salunke h/f. Mr. D. S. Bagul

...

AND

...

976 WRIT PETITION NO.10430 OF 2021

BANDOPANT NARAYAN KAMBLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner: Mr. Jadhavar Pratap V.

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

Advocate for Respondent No. 2:

Mr. N. S. Salunke h/f. Mr. D. S. Bagul

...

AND

...

984 WRIT PETITION NO.10438 OF 2021

AMBADAS SIDRAM WAGHMARE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner: Mr. Jadhavar Pratap V.

AGP for Respondent No. 1: Mrs. V. N. Patil-Jadhav

Advocate for Respondent No. 2:

Mr. N. S. Salunke h/f. Mr. D. S. Bagul

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

DATE: 21st SEPTEMBER, 2021

PER COURT:

1. Mr. Jadhavar, learned Counsel for the petitioners submits that in all these cases tribe claims of the petitioners were invalidated. The petitioners had filed writ petitions before this Court. This Court confirmed the invalidation, however, granted protection in service.

2. The learned Counsel for the petitioners further submits that, now, the petitioners are placed on supernumerary posts by respondent no. 2.

3. Mr. Bagul, learned Counsel appears for respondent no. 2 and submits that as the tribe certificates of the petitioners are invalidated they are rightly placed on the supernumerary posts; as per the policy of the State Government.

4. We have also heard the learned A.G.Ps. for the State.

5. 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.

6. 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.

7. 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.

8. In view of the aforesaid, the impugned communications placing the petitioners on supernumerary posts are quashed and set aside.

9. Writ Petitions are accordingly disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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