

vdk

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1066 OF 2021
IN
WRIT PETITION NO. 3824 OF 2002

Chandrakant Pandit ShirsatApplicant

Versus

Sub Divisional Magistrate,
Amalner and others.

..... Respondents

...

Mr. Sushant C. Yeramwar, Advocate for the applicant

Mr. S. P. Sonpawale, AGP for respondents no. 1 to 3

...

[CORAM : SUNIL P. DESHMUKH AND
ABHAY AHUJA, JJ.]

DATE : 21st January, 2021

ORDER :

1. Learned counsel for applicant-petitioner points out that despite protection having been granted under interim order of this court dated 1st November, 2002 in writ petition no. 3824 of 2002, petitioner is being put on supernumerary post.

2. He further refers to order dated 20th July, 2020 passed in civil application no. 1394 of 2020 in writ petition no. 2240 of 2008. He submits that facts and circumstances in the matter are very similar to those involved under aforesaid matter and requests that similar treatment be given to present civil application.

3. Learned Assistant Government Pleader purports to resist, however, has not been able to dispute the veracity of submissions.

4. In the circumstances, we deem it appropriate to follow aforesaid order dated 20th July, 2020, passed in civil application no. 1394 of 2020 in writ petition no. 2240 of 2008 where-under communication putting petitioner on supernumerary post has been quashed.

5. Having regard to that the protection has already been granted to applicant-petitioner in writ petition no. 3824 of 2002, it appears that there is clear error to have placed the applicant on supernumerary post on the ground that tribe claim of applicant has been invalidated.

6. In view of aforesaid, impugned communication dated 27th August, 2020 issued by respondent no.3 is set aside. Civil application is accordingly disposed of.

[ABHAY AHUJA]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE