

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

13 WRIT PETITION NO.11016 OF 2021

VIJAY RAMCHANDRA PUNDE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

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Advocate for Petitioners : Mr. Pratap V. Jadhavar.

AGP for Respondent/State: Mr. K. N. Lokhande.

Advocate for Respondent No.2 : Mr. Dipesh Pande, h/f Mr. D. S. Bagul.

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

DATE : 04th October, 2021.

P.C.:

. The petitioner is placed on supernumerary post. The learned counsel submits that the petitioner is granted protection under the order of this Court after the invalidation of caste claim in the writ petition filed at the Principal Seat bearing Writ Petition No.4820 of 2021 under the order dated 7th July, 2003.

2 The fact that the protection is granted to the petitioner in the aforesaid writ petition after invalidation of the caste claim is not disputed by the employer.

3 We have also heard the learned Assistant Government Pleader for the State.

4 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.

5 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.

6 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.

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

8 Writ Petition is accordingly disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]