

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 8670 OF 2020

1. Mr. Mohan Sitaram Kadam
Age 52 yrs., Occu. Service,
Residing at : Post Wada Kumbharoshi,
Tal. Mahabaleshwar, Dist. Satara. **...Petitioner.**

Versus

1. The Commissioner Milk Scheme Dept,
Mumbai.
2. State of Maharashtra
Through its Secretary,
Social Welfare and Justice
Department, Pune.
3. Caste Scrutiny and Verification
Committee Division Pune,
Having office at : 5th Floor, C Wing,
Kapil Towers, Near RTO Office,
Pune.
4. Government Milk Scheme
Through Chief Manager,
Having Office : Common Wealth Building,
Third Floor, Laxmi Peth, Pune : 411 030. **....Respondents.**

AND

WRIT PETITION NO. 595 OF 2021

1. Prakash s/o. Santu Chandol,
Age 50 years, Occu. Service,
R/o. Aajubai Niwas, Trupati Balaji
Nagar, Sillod, Tq. Sillod,
Dist. Aurangabad. **...Petitioner.**

Versus

1. The State of Maharashtra
Through Secretary,
General Administration Dept.
Mantralaya, Mumbai.
2. The Superintendent Engineer,
Maharashtra State Electricity Distribution
Company Ltd, (MSEDCL),
Rural Circle Office, Opp. Garware Stadim
MIDC, Chikalthana, Tq. Aurangabad,
Dist. Aurangabad.
3. The Executive Engineer,
Maharashtra State Electricity Distribution
Company Ltd, (MSEDCL), Kannad Division,
Warma Building, Girja Niwas, Chalishgaon Road,
Kannad, Tq. Kannad, Dist. Aurangabad.Respondents.

AND

WRIT PETITION NO. 604 OF 2021

Radhesham s/o. Narsayya Shadmallu,
Age 52 years, Occu. Service,
R/o. Row House No. 4, Sonal Nagar,
Behind Nilam Theatre, Station Road,
Jalna, Tq. & Dist. Jalna. ...Petitioner.

Versus

1. The State of Maharashtra
General Administration Department.
Mantralaya, Mumbai- 32.
Through its Principal Secretary
2. Superintending Engineer @ Competent
Appointing Authority,
Maharashtra State Electricity Distribution
Co. Ltd., MSEB Vasahat, Kanhaiyyanagar,
Deulgaon Raja Road, Jalna,
Tq. & Dist. Jalna.Respondents.

AND

WRIT PETITION NO. 904 OF 2021

Pundlik S/o. Manik Tarole,
Aged about 51 years, Occu. Service,
R/o. At Po. Sonala, Tq. Sangrampur,
Dist. Buldhana.

...Petitioner.

Versus

1. The State of Maharashtra
through its Secretary,
General Administration Department,
Mantralaya, Mumbai- 400032.
2. The Secretary, Tribal Development
Department, Mantralaya, Mumbai
400032.
3. The Chief Executive Officer,
Zilla Parishad, Buldhana.

....Respondents.

AND

WRIT PETITION NO. 3372 OF 2021

Asha W/o. Vilas Thakare,
Aged about 50 years, Occu. Service,
R/o. Gajanan Nagri, Near Water Tank,
Khamgaon, Tq. Khamgaon,
Dist. Buldhana.

...Petitioner.

Versus

1. The State of Maharashtra
through its Secretary,
General Administration Department,
Mantralaya, Mumbai- 400032.
2. The Secretary, Tribal Development
Department, Mantralaya, Mumbai
400032.

3. The Chief Executive Officer,
Zilla Parishad, Buldhana.

....Respondents.

AND

WRIT PETITION NO. 3373 OF 2021

Sanjay s/o. Ramaji Dhakate,
Aged About 53 years, Occu. Service,
R/o. Sharda Nagar, Arni Road,
Wadgaon, Near Mahajan College,
Dist. Yavatmal.

...Petitioner.

Versus

1. The Scheduled Tribe Caste Certificate
Scrutiny Committee, through its
Principal Secretary, Amravati.
2. The State of Maharashtra
through its Secretary,
Food & Drugs Department,
Mantralaya, Mumbai- 32.
3. The Assistant Commissioner,
Food & Drugs Department,
Maharashtra State, Rajabhau
Deshpande Bungalow,
Shivaji Nagar, Yavatmal.

....Respondents.

AND

WRIT PETITION NO. 3381 OF 2021

Rekha d/o. Madhukar Mankar,
Aged about 45 years, Occu. Service,
R/o. At Po. Jawala Kanya, Tq. Shegaon,
and Dist. Buldhana.

...Petitioner.

Versus

1. The State of Maharashtra

through its Secretary,
General Administration Department,
Mantralaya, Mumbai- 400032.

2. The Secretary, Tribal Development
Department, Mantralaya, Mumbai
400032.

3. The Chief Executive Officer,
Zilla Parishad, Buldhana.

....Respondents.

AND

WRIT PETITION NO. 3397 OF 2021

Ambadas Punjaji Khiradkar,
Aged about 50 years, Occu. Service,
R/o. At Bhangura, Po. Rantham,
Tq. Malkapur, Dist. Buldhana.

...Petitioner.

Versus

1. The State of Maharashtra
through its Secretary,
General Administration Department,
Mantralaya, Mumbai- 400032.

2. The Secretary, Tribal Development
Department, Mantralaya, Mumbai
400032.

3. The Chief Executive Officer,
Zilla Parishad, Buldhana.

....Respondents.

AND

WRIT PETITION NO. 3407 OF 2021

Vijay s/o. Narayanrao Tapke,
Aged about 50 years, Occu. Service,
Assistant Teacher, R/o. New Khetan
Nagar, Kaulkhed, District Akola.

...Petitioner.

Versus

1. State of Maharashtra
through its Secretary,
General Administration Department.
Mantralaya, Mumbai- 32.
2. The Chief Executive Officer,
Zilla Parishad, Akola.
3. Block Education Officer,
Panchayat Samiti Barshitakli,
Zilla Parishad Akola,
Dist. Akola.
4. The Education Officer (Primary)
Zilla Parishad, Akola.

....Respondents.

AND

WRIT PETITION NO. 3421 OF 2021

Kalpana w/o. Vijay Tapke,
(Maiden name Kalpana d/o. Shaligram
Dholwade), Aged about 45 years,
Occu. Service, Assistant Teacher,
R/o. New Khetan Nagar, Kaulkhed,
District Akola.

...Petitioner.

Versus

1. State of Maharashtra
through its Secretary,
General Administration Department.
Mantralaya, Mumbai- 32.
2. The Chief Executive Officer,
Zilla Parishad, Akola.
3. Block Education Officer,
Panchayat Samiti Barshitakli,

Zilla Parishad Akola,
Dist. Akola.

4. The Education Officer (Primary)
Zilla Parishad, Akola.Respondents.

AND

WRIT PETITION NO. 3426 OF 2021

Vishwanath S/o. Hari Jadhav,
Aged about 56 years, Occu. Service,
R/o. At Po. Hathadi, Tq. and Dist. Buldhana. ...Petitioner.

Versus

1. The State of Maharashtra
through its Secretary,
General Administration Department,
Mantralaya, Mumbai- 400032.
2. The Secretary, Tribal Development
Department, Mantralaya, Mumbai
400032.
3. The Chief Executive Officer,
Zilla Parishad, Buldhana.Respondents.

AND

WRIT PETITION NO. 3457 OF 2021

Sunanda W/o. Vishawas Patil @
Sunanda Deorao Deshmukh,
Aged about 46 years, Occu. Service,
R/o. Mu. Po. Agar, Tq. Dist. Akola. ...Petitioner.

Versus

1. The State of Maharashtra
through Secretary,

General Administration Department,
Mantralaya, Mumbai- 400032.

2. The Secretary, Tribal Development
Department, Mantralaya, Mumbai
400032.

3. The Chief Executive Officer,
Zilla Parishad, Buldhana.

....Respondents.

AND

WRIT PETITION NO. 6610 OF 2021

Shatrughna s/o. Rambhau Zalte,
Aged about 50 years, Occu. Service,
R/o. Patonda, Post Alampur,
Tah. Nandura, District Buldhana.

...Petitioner.

Versus

1. The State of Maharashtra,
through its Secretary,
General Administration Department,
Mantralaya, Mumbai.

2. Zilla Parishad, Buldhana, through its
Chief Executive Officer,
District Buldhana.

3. Education Officer (Primary),
Zilla Parishad, Buldhana,
Dist. Buldhana.

....Respondents.

AND

WRIT PETITION NO. 7339 OF 2021

Vijay s/o. Shamrao Sapkale,
Age 54 years, Occu. Service,
R/o. Bambhori P.C., Tq. Dharangaon,
Dist. Jalgaon.

...Petitioner.

Versus

1. The State of Maharashtra,
General Administration Department,
Mantralaya, Mumbai 32.
Through its Principal Secretary.
2. The Divisional Controller,
Maharashtra State Road Transport
Corporation Ltd.,
Above the New Bus Stand, Jilha Peth,
Jalgaon, Tq. & Dist. Jalgaon.

....Respondents.

AND

WRIT PETITION NO. 8393 OF 2021

Sheela Trambak Bopte,
Aged about 51 years, Occu. Service,
R/o. Sonala, Tah. Sangrampur,
District Buldhana.

...Petitioner.

Versus

1. The State of Maharashtra,
through its Secretary,
General Administration Department,
Mantralaya, Mumbai 400032.
2. The Secretary, Tribal Development
Department, Mantralaya, Mumbai
400032.
3. The Chief Executive Officer,
Zilla Parishad, Buldhana.

....Respondents.

...

Mr. U.P. Warunjikar, Mr. G.B. Patunkar h/f. Mr. S.M. Vibhute, Mr. S.C. Yeramwar, Mr. Mangesh V. Bute, Mrs. Roma Bondade, Ashwin Deshpande, Mr. Sumit G. Joshi, Advocates for petitioners in respective

writ petitions

Mr. P.S. Patil, Mrs. G.L. Deshpande, Mr. S.N. Morampalle, Mr. P.N. Kutti, Mr. R.B. Bagul, Addl.G.P./A.G.Ps. for respondents/State in respective writ petitions.

Mr. A.S. Bajaj, Mr. U.S. Malte, Mr. Parag Wagh, Mr. B.N. Jainpurkar, Advocates for respondents in respective writ petitions.

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

DATED : 03/09/2021.

ORAL JUDGMENT : [PER S.V. GANGAPURWALA, J.]

1. Rule. Rule returnable forthwith. With the consent of learned counsel for respective parties matters are taken up for final hearing.

2. The petitioners are granted protection in service though their claim is invalidated in the earlier writ petitions filed by the petitioners. Now, respondent no. 2 has placed the petitioners on supernumerary post.

3. The learned A.G.P accepts notice for respondents/State. Mr. A.S. Bajaj, Mr. U.S. Malte, Mr. Parag Wagh, Mr. B.N. Jainpurkar, learned counsel accept notice for respondents in respective writ petitions.

4. The issue is no longer res-integra in view of the judgment of this Court in in Writ Petition No. 903 of 2020 with connected writ

petitions dated 04.05.2021. It has been held that, if, the protection in service is granted by this Court upon invalidation of the caste claim, then the employer would not have authority to place the employee on supernumerary post. The judgment of this Court granting protection has attained finality.

5. For the reasons recorded in the judgment dated 04.05.2021 passed in Writ Petition No. 903 of 2020 with connected writ petitions, the present writ petitions are also allowed. The impugned orders placing the petitioners on supernumerary post are quashed and set aside.

6. Rule is accordingly made absolute.

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

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/