

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

26 WRIT PETITION NO.12628 OF 2021

**DHARMANNA LINGAPPA BELLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Petitioner: Mr. Pratap V. Jadhavar
AGP for Respondent No. 1: Mr. K. N. Lokhande
Advocate for Respondent No. 2: Mr. D. S. Bagul

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

DATE: 22nd NOVEMBER, 2021

PER COURT:

1. Mr. Jadhavar, learned Counsel for the petitioner submits that tribe claim of the petitioner was invalidated. The petitioner had filed writ petition before this Court. This Court confirmed the invalidation, however, granted protection in service.

2. The learned Counsel for the petitioner further submits that, now, the petitioner is placed on supernumerary post by respondent no. 2.

3. Mr. Bagul, learned Counsel appears for respondent no. 2 and submits that as the tribe certificate of the petitioner is invalidated he is rightly placed on the supernumerary posts; as per the policy of the State Government.

4. We have also heard the learned A.G.P. 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 communication placing the petitioner on supernumerary post is quashed and set aside.

9. Writ Petition is accordingly disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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