

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

85 WRIT PETITION NO.828 OF 2021

Purushottam S/o. Waman Kohad, **...PETITIONER**
Age-48 years, Occu-Service,
R/o. Plot No. 105, Jayshreeram Residency,
Gajanan Nagar, New Narsala Road,
Behind Besa Power Station,
Nagpur-34

VERSUS

1. The State of Maharashtra, **...RESPONDENTS**
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai-32
2. The Chief Administrative Officer,
Maharashtra Jeevan Pradhikaran,
CIDCO Bhavan, 2nd Floor, South Block,
Belapur, Navi Mumbai-400 614
3. The Member Secretary,
Maharashtra Jeevan Pradhikaran, 4th Floor,
Express Tower, Nariman Point,
Mumbai-400 021

Mrs. Preeti Rane, Advocate for the petitioner

AND

86 WRIT PETITION NO.8345 OF 2021

Arun Damduji Kochare, **...PETITIONER**
Age-49 years, Occu-Service,
R/o. Quarter No. C-27/4,
Ravi Nagar, Nagpur

VERSUS

1. The Vice-Chairman, **...RESPONDENTS**
Member-Secretary,
Scheduled Tribe Caste Certificate,

Scrutiny Committee,
Adiwasi Vikas Bhavan, Giripeth,
Nagpur

2. The Joint Secretary,
Law and Judiciary Department,
Nagpur
3. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai-32

Mrs. P. D. Rane, Advocate for the petitioner

AND

87 WRIT PETITION NO.13275 OF 2021

Vinayak Raghunath Arage **...PETITIONER**
Age-50 years,
R/o. Ganesh Nagar, Shirol,
Near Pani Taki, Kolhapur

VERSUS

1. The State of Maharashtra, **...RESPONDENTS**
Through Its Secretary, General
Administration Department,
Mantralaya, Mumbai-400 032
2. The Collector, Kolhapur,

Mr. Ramchandra K. Mendadkar, Advocate for the petitioner

AND

90 WRIT PETITION NO.13484 OF 2021

Ramchandra Vitthal Koli, **...PETITIONER**
Age-48 years, Occu-Service,
R/o. Post Sankh,
Tq. & Dist. Sangli

VERSUS

1. State of Maharashtra, **...RESPONDENTS**

Through its Secretary,
General Administration Department,
Mantralaya, Mumbai 400 032

2. Maharashtra State Road
Transport Corporation, through
its Divisional Controller, State
Transport, Sangli having its Office at
Departmental Office, Shastri Chowk,
Sangli-Kolhapur Road,
Sangli-416 416

Mr. Ramchandra K. Mendadkar, Advocate for the petitioner

AND

91 WRIT PETITION NO. 1010 OF 2022

Nita Yashwant Zanjad @ Nita Naresh Mahajan, Age-54 years, Occu-Service, R/o. Samta Nagar, Buldhana, Tq. & Dist. Buldana	...PETITIONER
---	----------------------

VERSUS

- | | |
|--|-----------------------|
| 1. The State of Maharashtra,
General Administration
Department, Mantralaya,
Mumbai-32.
Through Its Principal Secretary | ...RESPONDENTS |
| 2. The Chief Executive Officer,
Zilla Parishad, Buldana,
Tq. & Dist. Buldana | |

Mr. Sushant C. Yeramwar, Advocate for the petitioner

AND

95 WRIT PETITION NO. 1630 OF 2022

- | | |
|---|----------------------|
| 1. Vijay Narayanrao Kumeriya,
Age-49 years, Occu-Service,
(Gram Sevak), R/o. Panwadi,
At Post Khangaon, Tq. Katol,
Dist. Nagpur | ...PETITIONER |
|---|----------------------|

VERSUS

1. State of Maharashtra, **...RESPONDENTS**
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai-32
2. The Chief Executive Officer,
Zilla Parishad, Bhandara,
3. Block Development Officer,
Panchayat Samiti Tumsar,
Zilla Parishad Bhandara,
Dist. Bhandara

Mr. Swapnil B. Joshi, Advocate for the petitioner

AND**96 WRIT PETITION NO. 1631 OF 2022**

Sanjay Vasant Sonune, **...PETITIONER**
Age-51 years, Occu-Service,
Assistant Teacher,
R/o. At Post Dongar Shevali,
Tq. Chikhali, Dist. Buldhana

VERSUS

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

Mr. S. B. Joshi, Advocate for the petitioner

AND

97 WRIT PETITION NO. 1632 OF 2022

Baliram Wasudeo Tayade, **...PETITIONER**
 Age-45 years, Occu-Service,
 Assistant Teacher,
 R/o. At Post Nandrakoli,
 Dist. Buldhana

VERSUS

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

Mr. S. B. Joshi, Advocate for the petitioner

AND

98 WRIT PETITION NO. 1633 OF 2022

Archana Vishwanath Barale **...PETITIONER**
 (After Marriage Mrs. Archana Ajay Naidu)
 Age-45 years, Occu-Service,
 Assistant Teacher,
 R/o. 13B, Sukhakarta Prime City,
 Behind Vasantprabha Nursing College,
 Khonde Wadi, Chikhalie Road, Buldhana

VERSUS

1. The State of Maharashtra, **...RESPONDENTS**

Through its Secretary,
General Administration Department,
Mantralaya, Mumbai-32

2. The Chief Executive Officer,
Zilla Parishad, Buldhana,
3. Block Education Officer,
Panchayat Samiti Buldhana,
Zilla Parishad Buldhana,
Dist. Buldhana
4. The Education Officer (Primary),
Zilla Parishad, Buldhana

Mr. S. B. Joshi, Advocate for the petitioner

AND

WRIT PETITION NO. 1635 OF 2022

Samadhan Sitaram Pawar, **...PETITIONER**
Age-53 years, Occu-Service,
Assistant Teacher,
R/o. Datta Colony, Jatkar Layout, Bodtha Road,
Sundarkhed, Tq. & Dist. Buldhana

VERSUS

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

Mr. S. B. Joshi, Advocate for the petitioner

AND
100 WRIT PETITION NO. 1636 OF 2022

Umesh Mahadeo Rane, **...PETITIONER**
Age-45 years, Occu-Service,
Assistant Teacher,
R/o. At Post Sonala,
Tq. Sangrampur, Dist. Buldhana

VERSUS

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

Mr. S. B. Joshi, Advocate for the petitioner

AND
101 WRIT PETITION NO. 1637 OF 2022

Samadhan Dashrath Irale, **...PETITIONER**
Age-51 years, Occu-Service,
Assistant Teacher,
R/o. Utrada, Tq. Chikhali,
Post Peth, Dist. Buldhana

VERSUS

1. The State of Maharashtra, **...RESPONDENTS**
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai-32

2. The Chief Executive Officer,
Zilla Parishad, Buldhana,
3. Block Education Officer,
Panchayat Samiti Chikhali,
Zilla Parishad Buldhana,
Dist. Buldhana
4. The Education Officer (Primary),
Zilla Parishad, Buldhana

Mr. S. B. Joshi, Advocate for the petitioner

AND

102 WRIT PETITION NO. 1640 OF 2022

Swati Sunil Dhore, **...PETITIONER**
Maiden Name Ku. Swati Jagannath Adbol,
Age-47 years, Occu-Service,
Assistant Teacher,
R/o. Jaiprabha Colony, Behind Telecom Colony,
Akoli Road, Amravati

VERSUS

1. State of Maharashtra, **...RESPONDENTS**
Through its Secretary,
General Administration Department,
Mantralaya, Mumabai-32
2. The Education Officer (Secondary),
Zilla Parishad, Amravati
3. Maratha Shikshan Sanstha,
Amravati, Sharda Nagar, Amravati
Through its President
4. Sharda Kanya Vidyalaya,
Sharda Nagar, Shikshan Colony,
Bhatkuli, D. P. Road, Near Dream's Park,
Amravati, Through its Principal

Mr. S. B. Joshi, Advocate for the petitioner

AND
103 WRIT PETITION NO. 1641 OF 2022

Chandrakant Pandurang Suradkar, **...PETITIONER**
Age-46 years, Occu-Service,
Assistant Teacher,
R/o. Deendayal Nagar,
Ward No. 12, Post Chikhali, Tq. Chikhali,
Dist. Buldhana

VERSUS

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

Mr. S. B. Joshi, Advocate for the petitioner

AND
104 WRIT PETITION NO. 1643 OF 2022

Ishwar Eknath Khawale, **...PETITIONER**
Age-45 years, Occu-Service,
Assistant Teacher,
R/o. Hansraj Nagar, Shegaon Road,
Khamgaon, Dist. Buldhana

VERSUS

1. The State of Maharashtra, **...RESPONDENTS**
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai-32

2. The Chief Executive Officer,
Zilla Parishad, Buldhana,
3. Block Education Officer,
Panchayat Samiti Sangrampur,
Zilla Parishad Buldhana,
Dist. Buldhana
4. The Education Officer (Primary),
Zilla Parishad, Buldhana

Mr. S. B. Joshi, Advocate for the petitioner

AND

105 WRIT PETITION NO. 1644 OF 2022

Sunil Raghunath Ingale, **...PETITIONER**
Age-47 years, Occu-Service,
Assistant Teacher,
R/o. Bhankheda, Post Kolara,
Tq. Chikhali, Dist. Buldhana

VERSUS

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

Mr. S. B. Joshi, Advocate for the petitioner

AND

107 WRIT PETITION NO. 4118 OF 2022

Sanjay Sadashiv Chachane,
Age-51 years, Occu-Service,
R/o. Plot No. 50, Chutke Layout,
Maregaon, Dist. Yavatmal 445 303

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
General Administration
Department, Mantralaya
Mumbai-32

...RESPONDENTS

2. The Chief Executive Officer,
Zilla Parishad, Yavatmal

3. The Education Officer (Primary)
Zilla Parishad, Yavatmal

Smt. Preeti Rane, Advocate for the petitioner

AND

108 WRIT PETITION NO. 4580 OF 2022

Shreedhar Parashram Vankore,
Age-58 years, Occu-Service,
R/o. SF-9, Shreepati Apartment, 1757-E,
Rajarampuri 4th Lane Opposite Blackbery,
Showroom Rajarampuri, Kolhapur,
Tq. & Dist. Kolhapur

...PETITIONER

VERSUS

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

...RESPONDENTS

2. The Divisional Controller,
Maharashtra State Road Transport,
corporation, Kolhapur Division,
Kolhapur, Tq. & Dist. Kolhapur

Mr. Pratap V. Jadhavar, Advocate for the petitioner

Mr. K. N. Lokhande, AGP for the State in respective matters

Mr. P. S. Patil, AGP for the State in the respective matters

AND

WRIT PETITION NO. 4588 OF 2022

Moreshwar Mukunda Karmarkar, ...**PETITIONER**
Age-57 years, Occu-Service,
R/o. Vasundhara Nagar, Old Bus Stop,
Nagbhid, Tq. Nagbhid, Dist. Chandrapur

VERSUS

1. The State of Maharashtra, ...**RESPONDENTS**
General Administration Department,
Mantralaya, Mumbai-32
2. The Joint Director,
Vocational Education & Training
Regional Office, Civil Lines,
Nagpur, Dist. Nagpur,
3. The Secretary,
Janta Education society,
Nagbhid, Tq. Nagbhid,
Dist. Chandrapur

Mr. Sushant C. Yeramwar, Advocate for the petitioner

AND

106 WRIT PETITION NO. 1674 OF 2022

Ashok Nagorao Mekewad, ...**PETITIONER**
Age-57 years, Occu-Service,
R/o. At Kolwadi, Post-Sailu (Pendur),
Tq. Palam, Dist. Parbhani

VERSUS

1. The State of Maharashtra, ...**RESPONDENTS**
General Administration Department,

Mantralaya, Mumbai-32
Through its Principal Secretary,

2. The Divisional Controller,
Maharashtra State Road Transport
Corporation Ltd.
Parbhani Division, Parabhani.

Mr. Sushant C. Yeramwar, Advocate for the petitioner
Mr. A. R. Kale, AGP for the respondent/State

**CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.**

DATE : 25th April, 2022

JUDGMENT:

1. Writ Petition No. 4588 of 2022 is not on board. Upon mentioning taken on board.
2. Rule. Rule made returnable forthwith. The learned AGP waives service of notice for the respondent.
3. This court after hearing the learned counsel for the parties issued various directions. This court directed the learned AGP to verify whether these matters which are on board today are covered by the judgment delivered by the Division Bench of this Court on 04-05-2021 in writ petition No. 903 of 2020 and other connected matters in the case of Raja Tukaram Shinde Vs the State of Maharashtra and others.

4. In the operative part of the said order this court held that the Government Resolution dated 21-12-2019 shall be read in a manner "not to include the employees whose tribes claims are invalidated, but are granted protection in employment under the judgments/orders of this court and the said judgments/orders have attained the finality". This court accordingly quashed and set aside the impugned communications placing the petitioners on supernumerary posts and allowed such petitions.

5. The learned AGP for the State on instructions states that the petitions at Sr. Nos. 85,86,87,90,91,95,105 and 107 and 108 are covered by the judgment delivered by this court. Both the parties jointly state that this court thus need not record reasons in this order. Statement is accepted.

6. The learned AGP states that against the judgment delivered on 04-05-2021 in the case of Raja Tukaram Shinde (supra) some of the respondents Management as well as the State Government have filed special leave petition before the Hon'ble Supreme Court. Statement is accepted.

7. It is not in dispute that the judgment of this court delivered on 04-05-2021 in the case of

Raja Tukaram Shinde and others has not been stayed by Hon'ble Supreme court till date.

8. A perusal of the prayers in the writ petitions indicates that reliefs are sought against the State Government impugning the validity of the Government Resolution dated 21-12-2019. The State Government is duly represented by the learned AGP in all these matters. In view of the decision of this court dated 04-05-2021 in the case of Raja Tukaram Shinde (supra) all these petitions in so far as the seeks relief against the Government Resolution dated 21-12-2019 is concerned, these petitions can be disposed of by following the said judgment delivered by this court.

9. We accordingly, pass the following order:

a] The Government Resolution dated 21-12-2019 shall be read in manner "not to include the employees whose tribes claims are invalidated, but are granted protection in employment under the judgments/orders of this court and the said judgments/orders have attained the finality".

b] It is made clear that in view of this court declaring that the Government

Resolution dated 21-12-2019 shall not include the employees whose tribes claims are invalidated but are granted protection in employment under the judgment and order and the said judgment order had obtained finality, communication if any issued by the Management based on the said Government Resolution dated 21-12-2021 would not be survive.

10. The writ petitions are allowed in aforesaid terms. Rule is made absolute. No orders as to costs.

11. Parties to act upon authenticated copy of this order.

[S. G. MEHARE, J.]

[R. D. DHANUKA, J.]

VishalK/wp828.21.odt