

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

92 WRIT PETITION NO. 1592 OF 2022

Kailash Manohar Wankhade, **...PETITIONER**
Age-56 years, Occu-Service,
R/o. Jagdamba Nagar, Shegaon,
Tq. Shegaon, Dist. Buldana

VERSUS

1. The Vice-Chairman/Member-Secretary,
Scheduled Tribe Caste Certificate
Scrutiny Committee,
Chaprashipura, Amravati Division,
Amaravati
2. The Chief Officer,
Municipal Council, Shegaon,
Tq. Shegao, Dist. Buldhana
3. The State of Maharashtra,
Through its Secretary,
General Administration,
Department, Mantralaya,
Mumbai-32 **...RESPONDENTS**

Mrs. Preeti D. Rane, Advocate for the petitioner
Mr. P. S. Patil, Advocate for the respondent/State

AND

93 WRIT PETITION NO. 1593 OF 2022

Sunita Balkrushna Gathe, **...PETITIONER**
Age-45 years, Occu-Service,
R/o. Jalgaon Jamod, Tq. Jalgaon,
Dist. Buldhana

VERSUS

1. The Vice-Chairman/Member-Secretary,
Scheduled Tribe Caste Certificate
Scrutiny Committee
Chaprashipura, Amravati Division,
Amravati ...RESPONDENTS

Mrs. Preeti D. Rane, Advocate for the petitioner
Mr. P. S. Patil, Advocate for the respondent/State

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

DATE : 25th April, 2022

JUDGMENT:

1. Rule. Rule made returnable forthwith. The learned AGP waives service of notice for the respondent.

2. 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.

3. 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.

4. The learned AGP for the State on instructions states that these petitions 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.

5. 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.

6. 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.

7. The learned counsel for the petitioner does not press the relief for writ of certiorari

quashing and setting aside the order of invalidation of the caste of the petitioner and seeks to press other prayers on the basis of judgment passed by this court in the case of Raja Tukaram Shinde Vs. State of Maharashtra and others in writ Petition No. 903 of 2020 and other companion petitions. Statement is accepted. In view of the statement made by the learned counsel for the petitioner, we are not considering the prayer for quashing the order of invalidation of the caste claim. In so far as the other prayers are concerned, in our view other prayers are covered by the principals laid down by this court in the case of Raja Shinde (supra). 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.

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

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

[S. G. MEHARE, J.]

[R. D. DHANUKA, J.]

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