

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

WRIT PETITION NO. 8367 OF 2021

Manoj Nagorao Sonkusre .. Petitioner
Versus
The State of Maharashtra and another .. Respondents

AND

WRIT PETITION NO. 1620 OF 2022

Dilip Balkrishna Sonksare .. Petitioner
Versus
The State of Maharashtra and another .. Respondents

AND

WRIT PETITION NO. 1808 OF 2022

Vinod Kisanrao Lonagre .. Petitioner
Versus
The State of Maharashtra and another .. Respondents

AND

WRIT PETITION NO. 2120 OF 2022

Rajkumar Nilkanthrao Ninave .. Petitioner
Versus
The State of Maharashtra and another .. Respondents

Shri Sachin D. Khati, Advocate for the Petitioner in all matters.
Shri S. P. Tiwari, A.G.P. for the Respondent No. 1 in all matters.

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 24TH FEBRUARY, 2022.

FINAL ORDER :

. It is submitted that, in these matters the petitioners had

secured employment from the Scheduled Tribe category. Their claims were invalidated. They had challenged the same before the High Court. The High Court though did not interfere with the order of the Committee, however, granted protection in service to these petitioners. Now under the impugned orders/communications, the petitioners are placed on supernumerary posts.

2. This Court under its judgment and order dated 04th May, 2021 in Writ Petition No. 903 of 2020 with other connected writ petitions has held that once protection is granted by this Court, the Government Resolution dated 21st December, 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.

3. In the Writ Petition No. 903 of 2020 this Court has observed as under :

“25. The aforesaid discussion would lead us to conclude that once the judgment of this Court inter parties has become final and there is no element of fraud at the time of delivering the judgment by this Court, the said judgment would bind the parties and operate as a *res judicata*. The subsequent judgment of the Apex Court laying down the proposition of law different than the one on the basis of which the judgments are delivered by this Court and have attained finality cannot be reopened. Quietess will have to be given to

the litigation. The protection granted by this Court to the employment of the petitioners in the writ petitions filed by them earlier bind the parties and shall continue.

26. In the light of the above, the Government Resolution dated 21st December, 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.

4. The learned Assistant Government Pleader for the respondent No. 1 also accepts that, the protection in service is granted by this Court to the petitioners in the earlier writ petitions filed by them.

5. In view of the aforesaid, the impugned communications placing the petitioners on supernumerary posts are quashed and set aside.

6. In the light of the above, the writ petitions are disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]