

1

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

WRIT PETITION NO.462 OF 2020

Dakram s/o Tukaram Kohade,
Aged about 46 years, occupation service,
R/o Behind Chemist Bhavan,
Chamorshi Road, Gadchiroli,
District Gadchiroli. **Petitioner.**

:: V E R S U S ::

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

2. Chief Executive Officer,
Zilla Parishad, Gadchiroli. **Respondents.**

=====

Shri S.R. Narnaware, Counsel for the Petitioner.
Mrs.K.S.Joshi, Incharge Government Pleader for respondent No.1/
State.
Shri A.W.Paunikar, Counsel for Respondent No.2.
=====

CORAM : **A.S.CHANDURKAR & URMILA JOSHI-PHALKE, JJ.**
DATE : **17/08/2022**

ORAL JUDGMENT : (Per : Urmila Joshi-Phalke, J.)

1. **RULE.** Rule made returnable forthwith and heard
learned Counsel for the parties.

2. The petitioner is appointed as 'Assistant Teacher' with
the Zilla Parishad, Gadchiroli on 14.2.2000. Since he claims benefit
of reservation, his tribe certificate was referred for verification. The

.....2/-

2

Scrutiny Committee invalidated the tribe certificate. The petitioner challenged that order in Writ Petition No.4846/2009. This Court did not interfere with the order of the Scrutiny Committee but granted protection to the said petitioner's services. The petitioner filed Writ Petition No.898/2012 and a similar order protecting his services was passed on 20.9.2013. Since the Zilla Parishad on 24.12.2019 placed the petitioner on a supernumerary post, he has challenged that notice in this Writ Petition.

3. It is seen that with regard to the Assistant Teachers from the Zilla Parishad, Gadchiroli itself, this Court had an occasion to consider a similar action taken by the Zilla Parishad of placing the Assistant Teachers on a supernumerary post. After considering the judgment of the Aurangabad Bench in Writ Petition No. 903/2020 (*Raja Tukaram Shinde Vs. The State of Maharashtra and another*) decided on 4/5/2021 with connected Writ Petitions, the order placing those Assistant Teachers on a supernumerary post was set aside and it was held that they are entitled to continue in service on the basis of the earlier orders of protection. The said orders have been passed in Writ Petition No.411/2020 (*Sau. Heerabai w/o Nandkishor Sonkusare (Ku. Heerabai D/o Mahadeo Sorte) Vs. The State of Maharashtra and another*) and Writ Petition

3

No. 416/2020 (*Kishor S/o Laxman Sonkusare Vs. The State of Maharashtra and another*) decided on 15/12/2021.

4. In these facts, as the petitioner is similarly situated and the ratio of the decision in *Raja Tukaram Shinde (supra)* applies to the case in hand, the petitioner will be entitled for similar relief. Hence for the reasons contained in the decision in *Raja Tukaram Shinde (supra)* as well as in Writ Petition Nos.411/2020 and 416/2020, the following order is passed :

ORDER

(1) The order dated 24.12.2019 issued by respondent No.2 appointing the petitioner on a supernumerary post is set aside.

(2) The petitioner is entitled to continue in employment in terms of the earlier orders of protection that was passed in Writ Petition No.898/2012.

(3) Rule is made absolute in the aforesaid terms. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

!! BrWankhede !!

...../-