

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

**CIVIL APPLICATION NO. 9272 OF 2023
IN
WRIT PETITION NO. 4339 OF 2012**

Bharat Lotan Thakur

.. Applicant

Versus

The State of Maharashtra and others

.. Respondents

Shri Sushant C. Yeramwar, Advocate for the Applicant.

Shri A. S. Shinde, A.G.P. for the Respondent Nos. 1 to 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 19 AUGUST 2023.**

FINAL ORDER :

. Heard learned advocate for the applicant and the learned Assistant Government Pleader.

2. In the writ petition the petitioner is challenging the order of invalidation. By way of interim order dated 18 May 2012, this Court had directed that he shall not be terminated solely on the ground of invalidation.

3. It appears that by the Government Resolution dated 21 December 2019, the State Government found way out to protect the persons who have been appointed against the post reserved for specific category in case of invalidation of their tribe claims or

caste claims by providing for creation of supernumerary posts. Pertinently, this resolution covers the contingencies in which case such a person is to be placed on a supernumerary post. However, the category of the kind in the matter in hand is not contemplated therein, wherein invalidation is under challenge and there is an interim relief granted by the Court. Obviously, if the interim relief enables a person to continue to hold the post, he cannot be placed on supernumerary post to make a way for further recruitment to the regular post. In view of such state of affair, impugned action of the respondents by order dated 10 February 2023 to include the petitioner's name in the list of persons to be placed in the supernumerary post is clearly inconsistent with the Government Resolution dated 21 December 2019.

4. The civil application is allowed. The order dated 10 February 2023 to the extent of the applicant/petitioner is held to be null and void. The civil application is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23