

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

**CIVIL APPLICATION NO. 7597 OF 2023
IN WPST/16350/2023**

**VENKAT BABURAO JAMADAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

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Advocate for Applicant : Mr. Yeramwar Sushant C.

AGP for Respondents/State : Mr. A.A. Jagatkar

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 28 JUNE 2023.

PER COURT :

Heard both the sides.

1. The petitioner has been challenging the order of the Scheduled Tribe Certificate Scrutiny Committee, which has invalidated his claim as belonging to a Scheduled Tribe 'Koli Mahadev'. While the petition is still pending, he has been terminated by the order dated 12.05.2023.
2. The learned Advocate for the petitioner submits that in view of the Government Resolution dated 21.12.2019 and 14.12.2022, the petitioner ought to have been placed in supernumerary post pending adjudication of their claim for verification. He also points out the view

taken by this Court at Nagpur Bench in the case of **Manoj Tulsiram Khapekar Vs. Union of India and Others** in Writ Petition No.2880/2019 vide order dated 16.03.2023.

3. We have carefully gone through the order passed in the case of Manoj Tulsiram Khapekar (supra), including the GRs. We are being consistent. The conclusions drawn by this Court in the matter of Manoj Tulsiram Khapekar (supra) would govern the fact situation in the matter in hand.

4. Consequently, the application is allowed. The order of termination is quashed and set aside.

5. The respondent no.3 is directed to reinstate the petitioner on the same post immediately and in any case within two weeks.

6. It is made clear that the petitioner shall not be entitled to claim any salary from the date of termination of his employment till the date he is reinstated.

7. The petitioner will not be entitled to claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]