

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 CIVIL APPLICATION NO.10270 OF 2022
IN WP/12303/2016

NATHA BABURAO DEVKATE
VERSUS
SUB DIVISIONAL OFFICER SAILU, PARBHANI AND OTHERS

...
Advocate for Applicant : Mr. Phatale Sagar S.
AGP for the respondent – State : Mr. A.S. Shinde
...

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

DATE : 18 AUGUST 2023

PC :

Petitioner who had secured employment against a reserved post had challenged the order of invalidation. Interim relief was granted by order dated 15-12-2016 not to take any coercive action on the ground of his failure to submit the caste validity certificate. In spite of that by the order dated 31-12-2019, his services were placed in supernumerary category.

2. When the fact was brought to the notice of this Court by filing the civil application, by order dated 05-03-2021, this Court had expressly set aside the order by observing that in the light of the protection granted by this Court, he ought not have been placed on a supernumerary post.

3. It appears that in spite of such protection and order of the Court, again by the government decision dated 19-04-2022, his services have been placed in the supernumerary category.

4. We cannot countenance the affairs. When this Court had granted protection and even had set aside a similar attempt to place him on a supernumerary post, the recent order is clearly in flagrant violation of the orders of this Court and would border contempt.

5. Be that as it may. We allow the application, quash and set aside the order dated 19-04-2022 to the extent of placing him in the supernumerary post. Application is disposed of.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/