



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

WRIT PETITION NO. 3580 of 2024

Prafulla s/o Narayanrao Bhande

vs.

State of Maharashtra General Administration Deptt., Mumbai through its Principal
Secretary and others.

With

WRIT PETITION NO. 3582 of 2024

Sopan s/o Jankiram Palaspagar

vs.

State of Maharashtra General Administration Deptt., Mumbai through its Principal
Secretary and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Ashish Chaware, Advocate for petitioner in both writ petitions.
Mr. J.Y. Ghurde, Assistant Government Pleader for respondent nos. 1 and 3 in
both writ petitions.
Ms Smita Sul, Advocate with Mr. P. S. Patil, Advocate for respondent no.2 in both
writ petitions.

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 6th AUGUST, 2024

P. C.

Since the similar issue involved in these writ petitions, they are
being heard together and decided by this common order.

2. For the sake of convenience, the facts in Writ Petition No.3580 of
2024 are taken into consideration.

3. It appears that the petitioner got employment based on the caste
certificate of belonging to 'Koli Mahadev' Scheduled Tribe category.
This Court in Writ Petition No. 3465 of 2004, decided on 26.06.2005,
while dealing with the condition of employment directed the reference
to be made for verification of the caste certificate of the petitioner to
the Scrutiny Committee.

4. It seems that subsequent thereto the petitioner got caste
certificate of belonging to 'Koli' and based on that the respondent-
employer absorbed the services of the petitioner on supernumerary

post. It was for the respondent-education authorities to act in accordance with the Government Resolution dated 21.12.2019 thereby accepting the claim of the petitioners on the supernumerary post. For want of sanction of post, the respondents have refused to pay benefits to the petitioners.

5. In the aforesaid background, we deem it appropriate to dispose of the writ petitions with directions to the respondents to consider the claim of the petitioners as recommended by the respondent - Management on the supernumerary post with effect from 01.01.2018 in accordance with the Government Resolution dated 21.12.2019 dealing with the service conditions of the petitioners.

6. Let the aforesaid exercise be completed within a period of six weeks from today. Decision taken be communicated to the petitioners and the respondent employer accordingly.

7. With these directions, the writ petitions are disposed of. No order as to costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.