



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.2849/2020
(Dinesh V State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.T. Purohit, Advocate for petitioner.
Mr. V.P. Maldhure, Advocate for resp. nos.2 and 3.
Ms. N. P. Mehta, Add.GP for resp. no.1.

CORAM : Nitin W. Sambre & Abhay J. Mantri, JJ
DATE : 07-03-2024.

The appointment of the petitioner from scheduled tribe category as a Clerk on 23-01-1990, was subject to the submission of the caste validity certificate.

2. The petitioner's claim for validity was rejected by the Scrutiny Committee in the year 1999, which order was upheld in Writ Petition No.2656/1999 by virtue of order dated 21-11-2012.

3. It is the case of the petitioner, that once the services were directed to be protected vide order of this Court dated 21-11-2012, the provisions of Government Resolution dated 21-12-2019, based on the judgment of the Hon'ble Apex Court in the matter of Chairman and Managing Director, Food Corporation of India and others vs Jagdish Balaram Bahira and others, reported in 2017(8) SCC 670, cannot be extended to the factual matrix of the case of the petitioner.

4. We are unable to understand as to how the law laid down by the Hon'ble Apex Court in the matter of Chairman and Managing Director, Food Corporation of India and others (supra), is not applicable

to the facts of the present case particularly; when the services of the petitioner were already protected by placing him on supernumerary post that too by granting promotion in the year 2015.

5. Since the judgment of the Hon'ble Apex Court in the matter of Chairman and Managing Director, Food Corporation of India and others (supra), is binding not only on this Court but also on the Government and the petitioner, the Government Resolution dated 21-12-2019, pursuant to which the action was taken against the petitioner, cannot be said to be faulted with.

6. The petitioner's services are already placed on the supernumerary post.

7. That being so, no case is made out for causing interference. The petition is dismissed.

8. Needless to clarify that the claim, if any for promotion, so lodged by the petitioner, can be considered and dealt with independent of dismissal of the petition.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)