



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

WRIT PETITION NO.1421/2018

State of Maharashtra and another Vs. Prashant s/o Gunwantrao Paunikar, Nagur

...
Mr. J.Y.Ghurde, AGP for the petitioners.
Mr. P.J. Mehta, Advocate for the respondent.
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CORAM : BHARATI DANGRE & ABHAY J. MANTRI, JJ.
DATE : SEPTEMBER 25, 2024.

P.C.:

1. The State of Maharashtra raised a challenge to the decision of the Maharashtra Administrative Tribunal in O.A. No.278/2007 dated 7th September, 2015 and when the applicant, who had secured an appointment as Clerk-cum-Typist against the post reserved for ST in the year 1998, on his caste claim being negated came to be terminated on 16th June, 2007.

When he approached the Maharashtra Administrative Tribunal, by relying upon the decision of the Full Bench of this Court in the case of *Arun Vishwanath Sonone Vs. State of Maharashtra* reported in (2015) 1 *Mh.L.J.* 457 and subsequent decision in case of *Alka d/o Prabhakar Rao Mahure (Ku.) Vs Joint Director & Vice-Chairman, Scheduled Tribe, Scrutiny Caste Scrutiny Committee, Nagpur and others reported in 2015 (4) Mh.L.J.251*, the applicant applied for protection and the Tribunal while recording its finding held that the issue is no longer *res integra*, set aside the order of termination of the applicant and directed his reinstatement in service with continuity but, without any back wages.

This reinstatement was, however, fetched with the condition that he shall produce the certificate belonging to Koshti (SBC) and his appointment shall be shown in SBC category-C since inception.

2. The counsel for the respondent submits that he had produced the SBC Certificate and had abided by the directions of the Tribunal and as such he is continued in service from SBC category. In the wake of this development, we do not find any merit in the petition filed by the State of Maharashtra as the order passed by the Tribunal has attained finality by complying with the directions issued by the Tribunal. Hence, writ petition is dismissed. No costs.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)