



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

WRIT PETITION NO.3594 OF 2024

(Malta d/o Sakharam Yermule .vs. The 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.

Shri Ashish Chaware, Advocate for petitioner,
Shri D.P. Thakre, Additional Government Pleader for the respondents.

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CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATE : 07.08.2024.

Heard learned Counsel for the parties.

2. After appointment of the petitioner on the post of Assistant Midwife from Scheduled Tribe category, her services were terminated on August 18, 2017 as her tribe validity claim was rejected on September 28, 2016.

3. An appeal preferred by the petitioner, pursuant to the provisions of Rule 14 of the Maharashtra Zilla Parishads District Services (Discipline and Appeal) Rules, 1964, the Divisional Commissioner allowed the said appeal vide order dated December 28, 2018 and directed her reinstatement.

4. In view of change in the policy of the State Government, the Chief Executive Officer, Zilla Parishad, Buldana

passed an order thereby placing the services of the petitioner on a supernumerary post vide order dated July 25, 2022.

5. The impugned order has an impact on the change in the service conditions of the petitioner and as such, the remedy of appeal under Rule 14 (1) (a) of the above referred Rules is very much available to the petitioner. That being so, we dispose of the petition with liberty to the petitioner to approach the Appellate Authority, which appeal be decided expeditiously, if so preferred.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)