

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8757 OF 2020

Mansaram Chindhu Anturlikar

VERSUS

The State Of Maharashtra And Another

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Advocate for the Petitioner : Mr. Yeramwar Sushant C.

AGP for Respondent/State : Mr. P.K. Lakhotiya

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**CORAM : R.G. AVACHAT &
ABASAHEB D. SHINDE, JJ.**

DATED : OCTOBER 07, 2025

PER COURT :

. Heard.

2. The petitioner was initially appointed against the post reserved for Scheduled Tribe Category. His tribe certificate was invalidated. The order of invalidation attained finality. By virtue of Government Resolution, the petitioner availed the benefit of SEBC category. In spite of the same, the employer/State Government terminated his services on account of invalidation of his tribe certificate. He, therefore, approached the Maharashtra Administrative Tribunal. The Tribunal protected his services. The petitioner thereafter was allowed to resume the duty. He was however placed on a supernumerary post. With the passage of time, he retired on superannuation. Since he was placed on a supernumerary post, the State did not release his most of the pensionary benefits.

3. When the Maharashtra Administrative Tribunal had protected his services and the said order was not challenged by the State, the same attained finality and was therefore to be obeyed by the State. The act of placing the petitioner on supernumerary post was therefore unsustainable in law. In view of the same, the petitioner deserves to have released in his favour all the pensionary benefits, which are still withheld by the respondent/State, on the ground of having put on supernumerary post. So far as regards the other prayers are concerned, such as time bound promotional scale etc., the petitioner will have to make out a case, if for grant of such benefits certain criteria of qualification is required. Those benefits be released in his favour, if the petitioner complies with all such requirements. We are guided by the judgment delivered in the case of **Raja Tukaram Shinde Vs. The State of Maharashtra dated 04.05.2021** passed in Writ Petition No.903 of 2020 and **Moreshwar Hadke Vs. The State of Maharashtra dated 16.03.2022** passed in Writ Petition No.14820 of 2021, the decision wherein has been approved by the Hon'ble Apex Court.

4. We, therefore, dispose of this writ petition with directions to the respondent/State to release in petitioner's favour the retiral benefits which have been so far withheld on account of him to have placed on a supernumerary post.

5. So far as regards to other benefits are concerned, such as first and second time bound promotion etc., if he is found eligible, the same be released in his favour for which his pay would be required to be re-fixed. The exercise be done within a period of six months from the date of receipt of copy of this order. The order of placing the petitioner on a supernumerary post dated 20.03.2020 is hereby set aside.

(ABASAHEB D. SHINDE, J.)

(R.G. AVACHAT, J.)