



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

WRIT PETITION NO. 3879 OF 2024

(Vinod S/o. Pentu Ullendala vs. The State of Maharashtra and another)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of the directions
and Registrar's orders.*

Court's or Judge's order

Mr.S.D.Borkute, Advocate for the petitioner.

Mr.P.P.Pendke, Assistant Government Pleader for respondent No.1.

Ms.Shilpa Giratkar, Advocate for respondent No.2.

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, J.

DATE : MARCH 05, 2025

1) Heard. The petition questions the communication dated 15/04/2024, by the respondent No.2, whereby the petitioner who was initially appointed to a Class-IV post and thereafter, absorbed to a Class-III post on account of Educational Qualification, has been reverted back to Class-IV post on account of the fact that the petitioner belongs to 'Madgi' (Scheduled Caste), which has not been included in the order of the Aurangabad Bench of this Court dated 10/04/2023 in Writ Petition No.3950/2023. The order dated 10/04/2023 it has been clarified by the same Bench, by its order dated 24/06/2024 in Civil Application No.15434/2023 in Writ Petition No.3950/2023 **[Gopal Makhulal Birade and others vs. Kailash Maroti Rajkaur and others]** by holding as under :-

"9. It is in the light of the said 1974 report that we are permitting the Government to include the category of Scheduled Caste, including 'Navbaudhha', along with the Walmiki, Mehtar and Bhangi communities, in our directions issued in paragraph No.4 of our order dated 10.04.2023.

The Scheduled Caste category has also been included by the State in its Government Resolution dated 24.02.2023. In the event any such 'Varas hakka' holder falling in the category of Scheduled Caste has become age barred in view of our order dated 10.04.2023, there shall be relaxation in such cases since our order should not result into taking away rights of a person, who has a claim in view of the Laud-Page Committee recommendations."

2) It is also necessary to note that Writ Petition No.3950/2023, already stands decided by the judgment dated 08/01/2025 in terms of the G.R. dated 24/02/2023, now include members of the Scheduled Caste within the scope of the aforesaid G.R.

3) That being the position, though Ms.Giratkar, learned counsel for respondent No.2 supports the impugned order, which is also the position with the learned Assistant Government Pleader, we find that the position already stands clarified in **Gopal Makhulal Birade** (supra) in view of which, the impugned order is quashed and set aside and the respondent No.2 is directed to restore the position which was prevailing before the passing of the impugned order within period of two weeks from the date on which the copy of the order is presented to the respondent No.2.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)