



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

WRIT PETITION NO. 4627 OF 2024

(Ku. Archana d/o Hajurdas Gokhale, Vs. State of Maharashtra and anr)

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

Court's or Judge's orders

Mr. Rajshree Kabra, Advocate for petitioner.
Mr. Madiwale, AGP for respondent No.1
Mrs. Patil, Advocate for respondent No. 3

CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.

DATED : 03-03-2025

Heard Ms. Rajshree Kabra, the learned Counsel for the petitioner, Mrs. Patil, learned counsel for respondent No. 2 and Mr. Madiwale, the learned AGP for respondent No. 1. The petitioner who has now been placed on supernumerary post by the order dated 17.1.2024 by respondent No. 2 seeks quashing of the same on the ground that the services of the petitioner though her tribe claim of Halba Scheduled Tribe was invalidated, stood protected. Mrs Patil, learned counsel for respondent No. 3, relies upon the GR dated 21.12.2019 in support of the impugned decision.

2. It is not in dispute that the petitioner who originally had secured employment with the respondent No. 2 as Asstt. Scientific Associate on 5.2.1996 on a post reserved for Scheduled Tribe candidate found her claim invalidated by the Scrutiny Committee by decision dated 3.9.2015 which has not been challenged. However, in Writ Petition No. 5481/2015 the protection to the services of the petitioner were sought which by the judgment dtd 19.10.2015 have been protected, in the

following terms:

“8. Hence, for the reasons aforesaid, the writ petition is allowed. The respondent No. 2 is directed to protect the services of the petitioner on the condition that the petitioner furnishes an undertaking in this Court and to the respondent no. 2, within a period of four weeks, that neither the petitioner nor her progeny would claim the benefits meant for Halba, Scheduled Tribe, in future. The petitioner would not be entitled to promotional benefits on the basis of her caste claim.”

This court has already held in Writ Petition No. 903/2020 alongwith connected petitions decided on 4.5.2021 that once protection is granted to employee has become final such an employee cannot be placed in supernumerary post.

3. In the instant case also, when this court by the judgment dtd 19.10.2015 has already protected the services of the petitioner, which in absence of any challenge had attained finality, the respondent No. 2 could not have, by use of the GR dated 21.12.2019 put the petitioner on supernumerary post. We therefore, quash and set aside impugned communication dtd. 17.1.2024. The petition is allowed in terms of prayer clause 1.

Corrected as per order dtd. 13.3.2025

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)