



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

WRIT PETITION NO. 6420 OF 2024

(Subhash Santosh Ingle ..vs.. Zilla Parishad, Buldhana, through its CEO and another)

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

Court's or Judge's orders

Mr. M.V. Bute, Counsel for the petitioner,
Ms. H.N. Jaipurkar, Counsel h/f. Mr. B.N. Jaipurkar, Counsel for respondent
No.1.

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

DATE : 08-04-2025

The petitioner, was appointed by the order dated 13-7-1990 as an Assistant Teacher (Page No.11), in a post reserved for Scheduled Tribe candidate. However, the petitioner in terms of the Government Resolution dated 15-6-1995 applied for and was granted validity by the Caste Scrutiny Committee on 05-1-2005 of belonging to 'Koli' Special Backward Category (SBC). The same was submitted to the respondent-employer, who accepted it and continued the employment of the petitioner, which is reflected from the note dated 01-7-2009 in the Service-Book of the petitioner. This would clearly indicate, that the services of the petitioner, in pursuance to the submission of the aforesaid validity stood protected by the employer, or otherwise it was open for the employer to have terminated the employment of the petitioner then and there. The petitioner after the validity as

SBC dated 05-1-2005, has been continued in employment and is in employment even today, for more than 20 years thereafter.

2. In that view of the matter, the petitioner would be entitled to all the incidences, of employment including promotion which could have otherwise been granted to him, based upon his eligibility and entitlement. Since the petitioner has been granted service protection, it is equally necessary to note that the subsequent Government Resolution dated 21-12-2019 would equally not be attracted to him.

3. We hereby quash and set aside the impugned order dated 27-09-2023 appointing the petitioner on a supernumerary post and direct the respondents to consider the claim of the petitioner for promotion, if he is otherwise eligible.

4. The petition is accordingly allowed in the above terms. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)