



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

WRIT PETITION NO.8401/2019

Sau.Shobha Narendra Kohad Vs.Zilla Parishad, Chandrapur and another

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

Court's or Judge's order

Mr. S.R.Narnaware, Advocate for petitioner
Mr. J.B.Kasat, Advocate for respondent nos.1 and 2.

CORAM : ALOK ARADHE, C.J. & NITIN W. SAMBRE, J.
DATE : FEBRUARY 25, 2025.

P.C.:

1. Heard Mr. Narnaware, learned counsel appearing for the petitioner and Mr. Kasat, learned counsel appearing for the respondent nos.1 and 2.
2. The petitioner initially claims to be belonging to the Halba Scheduled Tribe and as such came to be appointed on 7th December, 1987 on the post of Assistant Teacher, which was earmarked for the scheduled tribe category candidate.
3. Subsequent thereto, the petitioner applied for grant of validity as that of belonging to Koshti special backward class and we are informed by Mr. Narnaware that the petitioner is granted the validity as that of belonging to Koshti special backward class. Based on above background and the various Government Resolutions, the petitioner has questioned the show cause notice dated 5th December, 2019 whereby the petitioner was called upon by the respondent to produce validity in support of the claim for employment.

4. It is the contention of Mr. Narnaware that once the petitioner has given up the claim of belonging to scheduled tribe category and has obtained the validity of S.B.C. for caste of Koshti, the claim of the petitioner for protection of service must be considered from the said category in view of the Government Resolution dated 15th June, 1995, 30th June, 2004 and 18th May, 2013.

5. As against above, the counsel appearing for the respondent-employer has invited our attention to the order dated 5th April, 2021 annexed with the affidavit stating that the services of the petitioner are already taken on supernumerary post. According to Mr. Kasat, the counsel appearing for the respondents said decision is taken by the employer having regard to the existing policy of the State Government.

6. We have perused the said document viz dated 5th April, 2021.

7. Since the respondents have already stated that the services of the petitioner are already absorbed on supernumerary post, in our opinion, the grievance to the extent of challenge to the show cause notice does not survive. As such in view of the order dated 5th April, 2021 whereby the services of the petitioner are absorbed on supernumerary post, the grievance to the extent raised against the show cause notice stands redressed.

8. The petition accordingly stands disposed of. No costs.

(NITIN W.SAMBRE, J.)

(CHIEF JUSTICE)