



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

WRIT PETITION NO. 4951 OF 2025

1) State of Maharashtra, through its
Principal Secretary, Revenue and
Forest Department, Mantralaya,
Mumbai – 32.

2) The Divisional Commissioner, Nagpur
Division, Civil Lines, Nagpur 440001

....**PETITIONERS**

....**VERSUS**....

Chandrabhan Harishchandra Parate,
aged 58 years, Occ.: Deputy
Commissioner, r/o. Zenda
Chowk, Dharampeth, Nagpur

....**RESPONDENT**

Shri H.D.Marathe, AGP for petitioners/State.
Shri R.S.Parsodkar, Advocate for respondent.

CORAM : **ANIL S. KILOR AND**
RAJNISH R. VYAS, JJ.

DATE : 12/11/2025

JUDGMENT (PER: RAJNISH R. VYAS, J.)

Heard finally by consent of learned AGP for the
State and learned counsel for the respondent, at the stage of
admission.

2. This petition is preferred by the State challenging the order passed by the learned Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur (in short, "MAT") in Original Application (O.A.) No. 330/2024, dated 18/02/2025, by which, the order of dismissal of respondent (applicant in O.A.) dated 26/03/2024 was set aside. Further, the relief was granted observing that since the applicant (respondent herein) was shifted to a supernumerary post vide Government Resolution (G.R.) dated 27/01/2020 and had retired on 31/03/2014, his service be sanctioned and retirement benefits in accordance with the policies framed by the Government regarding similarly situated employees shifted to the supernumerary posts, within four months from the date of order be given.

3. In short, it is the case of the petitioner that in the year 1987, the respondent was granted appointment as a Tahsildar on the post which was reserved for Scheduled Tribe Category. The Scheduled Tribe Scrutiny Committee (for short, "Scrutiny Committee") issued a conditional validity

certificate to the respondent with a condition that the caste certificate would be liable for action as per the judgment in the case of **Milind Katware**, which would be decided by the Hon'ble Supreme Court. After the decision in the case of **Milind Katware**, the Scrutiny Committee cancelled the certificate of the respondent herein and it was ordered that he would not be entitled for the benefits of Scheduled Tribe.

4. The respondent challenged the order of the Scrutiny Committee before this Court by preferring the Writ Petition No. 6029/2012, which remanded the matter back to the Scrutiny Committee to decide afresh. This Court had clarified that, if the claim of the respondent belonging to Scheduled Tribe is invalidated and if any promotion is granted to him on or after 28/11/2000, the same shall be taken back and the respondent be restored to the position as on 28/11/2000. According to the petitioners, the services of the respondent were thereafter continued from the open category.

5. On remand, the Scrutiny Committee rejected the claim of the respondent and directed the appointing authority to take action as per Section 10(1) r/w. (2) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No. XXIII of 2001).

6. The respondent then preferred the Writ Petition No. 2153/2016 before this Court, which was dismissed on 06/04/2016. The said order passed in Writ Petition No. 2153/2016 was taken exception before the Hon'ble Apex Court, which dismissed the appeal on 10/08/2021. The petitioners have thus contended that in view of the order passed by the Hon'ble Supreme Court, the services of the respondent were terminated on 26/03/2024, which order was then challenged by the respondent before the learned MAT by preferring the O.A. No. 330/2024.

7. In O.A., initially, the stay was granted to the order dated 26/03/2024 and finally, O.A. was allowed and order as stated *supra* in para (1) was passed. According to the petitioners, the learned Tribunal in the aforesaid background should not have allowed the O.A., as it was in compliance of the order passed by the Hon'ble Apex Court, the services of the respondent were terminated.

8. Per contra, Mr. Parsodkar, learned counsel for the respondent in his brief argument contended that, there is no jurisdictional error or perversity, which has been pointed out by the petitioners. He, in order to avoid a repetition of argument, has drawn our attention to the findings given by the learned Tribunal, more particularly, in para 7 and contended that, the reasons given by the learned Tribunal are just and proper. For ready reference, the findings given by the learned Tribunal in para 7, are reproduced herein below:-

*"7. The Hon'ble Supreme Court has passed an order in Civil Appeal No.8928 of 2015 in the case of **Chairman and Managing Director FCI and Ors VS. Jagdish Balaram Bahira and Ors with other matter**, decided on 06/07/2017.*

*The State Government issued a G.R. dated 21/12/2019 to implement this order. The State decided that those employees, whose caste certificates of S.T. category have been invalidated, should be shifted to supernumerary posts. The State Government has extended various services and retirement related benefits to the employees shifted to the supernumerary posts vide G.R. dated 14/12/2022. The applicant was shifted to a supernumerary post vide G.R. dated 27/01/2020. The duration of this appointment was further extended vide G.R. dated 31/03/2021. The applicant was then terminated from service vide G.R. dated 26/03/2024, just a few days before his retirement on 31/03/2024. The State Government has relied upon the judgment by the Hon'ble Supreme Court in Civil Appeal No.370 of 2017 in the case of **Chandrabhan VS State of Maharashtra & Ors. (cited supra)** as mentioned in above paragraph. The Apex Court has said that, no advantage can be extended to the applicant after his "Halba" caste claim is rejected by the Scrutiny Committee. This Tribunal stayed this termination order; vide its order dated 28/03/2024. As an effect of this order of the Tribunal, the applicant retired on a supernumerary post, on which he was earlier posted vide G.R. dated 27/01/2020 and the term was extended vide the subsequent G.R. This shifting of the applicant to the supernumerary post, after rejection of his S.T. caste claim, is in accordance with the policy which the State Government has adopted for all the similarly situated persons and therefore the applicant is not being offered any special advantage in doing so."*

9. Perusal of findings would reveal that, shifting of the respondent to the supernumerary post, after rejection of

his S.T. claim, was in accordance with the policy, which the State Government has adopted for all the similarly situated persons and no special advantage was given to the respondent. In that view of the matter, no case is made out, which requires interference at the hands of this Court. Hence, the petition deserves to be dismissed. Accordingly, the petition stands **dismissed**.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

B.T.K.