

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

WRIT PETITION NO.3862 OF 2000

1. Abhay s/o Baburao Jagtap
Age 31 years, Occu. Service
as Assistant Engineer (Grade II) in
Zilla Parishad, Nanded,
presently posted at Sub-Division,
Kandhar, District Nanded,
R/o Kandhar, Dist. Nanded.
2. Sanjay s/o Dhudku Khairnar,
Age 33 years, Occu. Service as
Assistant Engineer (Grade II) in
Zilla Parishad, Nanded, presently
posted at M.I. Division, Nanded,
r/o Malegaon Road, Taroda Naka,
Nanded, District Nanded. **(No.2 Deleted)**

... PETITIONERS

VERSUS

1. The State of Maharashtra,
(Notice to be served on Govt.
Pleader, High Court of Judicature
at Bombay, Bench at Aurangabad)
2. The Secretary to the Government
of Maharashtra, Rural Development
and Water Conservation Department
Mantralaya, Mumbai – 32
3. The Chief Executive Officer,
Zilla Parishad, Nanded,
Taluka and District Nanded.
4. Chief Administrative Officer of
Maharashtra Jeevan Pradhikaran,
Mumbai.

... RESPONDENTS

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Shri V.P. Raje, Advocate holding for
Shri C.R. Deshpande, Advocate for petitioner
Shri S.G. Sangle, A.G.P. for State
Shri V.S. Panpatte, Advocate for respondent No.2
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CORAM: S.V. GANGAPURWALA AND
 A.I.S. CHEEMA, JJ.

DATED: 29th April, 2015.

ORAL JUDGMENT (Per S.V. Gangapurwala, J.):

1. Mr. Raje, learned counsel holding for Mr. Deshpande, learned counsel for the petitioner states that the petitioner No.2 has withdrawn the writ petition. The learned counsel submits that, the respondent No.2 had published the final seniority list of the graduate engineers and diploma holders and opted for transfers to Maharashtra Jeevan Pradhikaran, but the said seniority list could not be circulated, the petitioner could not be made aware of the same. The said list shows names of 24 graduate engineers and 268 diploma holders having opted for transfer to Maharashtra Jeevan Pradhikaran. The petitioner came to know that the applications were called and the seniority list was published, the petitioner immediately approached the respondent No.3. The respondent No.3 forwarded the application of the petitioner and that of Mr. Sarnaik to respondent No.2. The

petitioner was surprised to know that in the seniority list annexed with letter dated 28.7.2000 the name of the petitioner is not included. The petitioner ought to have been considered for the post of Deputy Engineer.

2. Mr. Panpatte, learned counsel for respondent No.2 submits that the petitioner No.1 has been promoted vide order dated 16.10.2014 as Sub-Divisional Engineer, under Zilla Parishad, Osmanabad. Earlier he could not have been promoted as he did not have the required qualification for promotion.

3. The petitioner No.2 has already withdrawn the proceedings. It is not that the petitioner was not being considered, the name of the petitioner in the list of transferred employees was added by way of corrigendum. The list was brought to the notice of all the employees from whom options were called.

4. The petitioner was not certain as to whether any person junior to the petitioner and not possessing the requisite qualification was promoted prior to the petitioner. After the petitioner passed the departmental examination, the case of the petitioner is considered.

5. In light of the above, the Writ Petition stands disposed of. Rule discharged. No costs.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)