

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

WRIT PETITION NO. 1778 OF 2014

Mahesh Dattatraya Patange .. Petitioner

Versus

The State of Maharashtra and Another .. Respondents

Shri M. P. Kale, Advocate for the Petitioner.

Shri G. K. Thigle, A. G. P. for the Respondent No. 1.

Shri P. P. More, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 16TH JULY, 2015.

PER COURT :

1. Mr. Kale the learned counsel for the petitioner states that, the petitioner is having technical qualification and as such is required to be appointed on Class III technical post. The petitioner is B. E. (Mechanical), however, he is appointed as Senior Assistant. Though the same is Class III post, however, as per the qualification of the petitioner, petitioner would be required to be appointed on technical post. Now the technical post is vacant.

2. Mr. More the learned counsel for the Respondent No. 2 submits that, the petitioner was appointed as a Senior Assistant in Class 3 cadre on Class III post which was vacant at the time when

petitioner was appointed, the technical posts were not vacant. The learned counsel submits that, even the respondent / Zilla Parishad sought guidance from the Government and the Government has rejected the request to change the cadre of the petitioner from Senior Assistant to Assistant to Junior Engineer. Even the petitioner had approached the Divisional Commissioner, the Commissioner has rejected the claim of the petitioner.

3. It is submitted that, the respondent / Zilla Parishad does not have any power to change the cadre. Even the guidance was sought by the Respondent No. 2 from the Government, as to whether the cadre can be changed. It is submitted by the learned counsel for the Respondent No. 2 that, after filling the affidavit the Government has rejected the claim of the petitioner for change in the cadre i. e. from Senior Assistant to Assistant to Junior Engineer.

4. Considering the above, the grievance of the petitioner cannot be considered. The respondent / Zilla Parishad may give copy of the order passed by the Government rejecting the claim made for changing the cadre to the petitioner. The petitioner, if, he so desires may take further course of action in respect of the said order. Writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

sam/July. 15