

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

WRIT PETITION NO.3903 OF 2000 WITH
CIVIL APPLICATION NO.4811 OF 2006

Sudhir s/o Jagdishrao Sarnaik
Age 31 years, Occ. Service as
Assistant Engineer (Grade II) in
Zilla Parishad, Nanded,
presently posted at Sub-Division,
Hadgaon, R/o Behind Panchayat
Samiti, Hadgaon, Tq. Hadgaon,
District Nanded. ... PETITIONER

VERSUS

1. The State of Maharashtra,
(Copy 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 S.B. Talekar, Advocate for petitioner
Shri S.G. Sangle, A.G.P. for State
Shri V.S. Panpatte, Advocate for respondent No.3
Shri D.P. Bakshi, Advocate for respondent No.4
.....

CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.

DATED: 29th April, 2015.

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

1. Mr. Talekar, learned counsel for the petitioner states that the respondent No.2 had published the final seniority list of the degree holders and diploma holders who had 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 one another person 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. Bakshi, learned counsel for respondent No.4 submits that, the petitioner is promoted in the year 2008. The petitioner was not considered earlier as the petitioner had not passed the departmental examination. Mr. Talekar, learned counsel for the petitioner states that, in the year 2006, one Mr. Arif Mohd., who is junior to the petitioner is promoted.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. Time and again the petitioner was asked as to whether in the list of 24 persons who were promoted as Sub-Divisional Engineers from the category of persons holding degree any person junior to the petitioner was promoted. As per the contention of the respondent, when the petitioner cleared the departmental examination only at that point of time the respondents considered the petitioner for promotion.

5. In light of the above, we do not see any cause for interference. Writ Petition is disposed of. Rule discharged. No costs.

6. In view of disposal of the Writ Petition, Civil Application No.4811/2006 stands disposed of.

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

(S.V. GANGAPURWALA, J.)