

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 3984 OF 2015

UTTAM VENKATRAO PATIL AND OTHERS

VERSUS

STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Bhumkar R. P.

AGP for Respondents State: Mr. K. M. Suryawanshi

Advocate for Respondent No.2 : Mr. M. S. Sonawane

...

**CORAM : S. V. GANGAPURWALA &
V. K. JADHAV, JJ.****DATE : 24th July, 2015****PER COURT :**

1. Mr. Bhumkar, the learned counsel for the petitioner submits that the petitioners are entitled for the time bound pay scale and the benefits as per letter dated 22.10.2013 issued by respondent No.2 so also the orders passed in Writ Petition Nos.1434/2009 and 4094/2010.
2. We have heard Mr. Sonawane, learned counsel for the respondent No.2. Mr. Sonawane does not dispute the case of the petitioner is covered by Writ Petition No. 1434/2009 decided on 27th January, 2010.
3. In the light of above, we follow the same course of action and pass similar order.

ORDER

- I. The declinment of Respondent No.1 of petitioner's candidature as is expressed through the Affidavit-in-Reply is struck down as unjustified.
- II. Respondent no.1 is directed to consider the case of the petitioner:
 - (a) By ignoring the fact of :-

i. retirement, and

ii. lack of qualification of the petitioner.

(b) consider the case of the petitioner based on eligibility of the petitioner for relaxation of qualification on the basis that on the relevant date, the petitioner has already crossed 45 years of age.

III. The petitioner be granted the benefit of scale of pay given to any one amongst the juniors to the petitioner to whom the benefit is given through the order dated 22nd October, 2013 [Annex.J to the petition], and should be given the all and same benefits as given to such junior candidate who is similarly placed, and was given the benefit only because he was in the employment on the date of passing of order or allotment of posts.

4. Writ petition is accordingly disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC