

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

WRIT PETITION NO. 7247 OF 2004

SMT. ARUNA SUDHAKAR JAHAGIRDAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Kiran M. Nagarkar
AGP for Respondent Nos. 1 to 3 : Mr. S. D. Kaldate
Advocate for respondent Nos. 4 and 5 : Mr. N. S. Choudhary

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CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.

DATE : 08th OCTOBER, 2015

PER COURT :-

1. This petition challenges the virus of decision of respondent No. 2 to exclude the petitioners, who are non S.S.C. Auxiliary Nurses, from promotion. The said decision was communicated by letter/circular dated 07th February, 1994. It appears that similar challenge was made in writ petition No.1162 of 1994. The Division Bench of this Court, on 21st July, 2010, allowed the said petition and held that the direction contained in the impugned letter/communication is against the relevant Rules.

2. In the light of that, for the reasons mentioned in the judgment delivered in writ petition No. 1162 of 1994, this petition should also succeed. Hence, Writ petition is allowed in terms of prayer clauses "A" and "B". Rule made absolute accordingly. The writ petition is disposed of.

(V.K. JADHAV, J.)

(A.V. NIRGUDE, J.)

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