

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 10304 OF 2012

NAVNATH BABURAO GITE

VERSUS

JALNA EDUCATION SOC. AND ORS

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Advocate for Petitioner : Mr. Deshpande Ajay S.

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

Advocate for Respondents 1 and 2 : Mr. H. A. Joshi i/by Mrs. S. S. Kulthe

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**CORAM : S. V. GANGAPURWALA &
V. K. JADHAV, JJ.****DATE : 7th August, 2015****PER COURT :**

1. Grievance is about promotion to the post of Laboratory Assistant. The petitioner is working as Laboratory Attendant as on date. Mr. Deshpande, the learned counsel submits that as per staffing pattern for the year 2012-2013, there were 8 posts of Laboratory Assistant and 7 posts were filled in and one is still vacant. Out of these 8 posts, one post is meant for NT-D category. The petitioner belongs to NT-D category. As such the petitioner is required to be promoted as Laboratory Assistant.

2. Mr. Joshi, the learned counsel for respondents 1 and 2 submits that all eight posts of Laboratory Assistant are filled in. According to learned counsel, Appointment/promotion of all the eight posts of Laboratory Assistant have been approved by the authority. The learned counsel submits that claim of the petitioner can be considered on its merits, if vacancies arise for the posts of Laboratory Assistant.

3. We have also heard learned A.G.P.

4. As already eight posts of Laboratory Assistant are filled in as per the statement made by the learned counsel for the respondents, it will not be appropriate to issue any directions at present. However, according to the petitioner one post of Laboratory Assistant is meant for person from NT-D category. In all the posts which are filled in of Laboratory Assistant nobody is appointed from NTD category.

5. The person who is promoted subsequently is not before us. Even otherwise it would be for the respondent No.3 to consider whether the appointments are made as per roster approved by the BC Cell. In light of that it will be appropriate to direct respondent No. 3 to consider whether the appointments are made as per the roster approved by the B.C.Cell. In the light of that, it will be appropriate to direct respondent no.3 to consider the said aspect.

6. In the result, we pass following order:-

ORDER

- i. The petitioner may approach respondent no.3. Respondent No.3 shall consider representation of the petitioner with regard to his grievance for promotion to the post of Laboratory Assistant. The Joint Director, Higher Education Grants i.e. Respondent No.3 shall, after verifying the roster approved by the B.C. Cell so also, after hearing the parties concerned, pass order with regard to the claim of the petitioner so also seniority. The said exercise shall be done expeditiously preferably within six months from the date of representation.
- ii. Writ petition is accordingly disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC