

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1829/2015

(ONKAR RAMJI MANKARI **VERSUS** THE CHIEF EXECUTIVE OFFICER, Z.P. WASHIM & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.D. Chande, counsel for the petitioner.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : AUGUST 25, 2015.

By this petition, the petitioner seeks a direction to the respondents to grant deemed date of promotion to the petitioner as a Lecturer in Higher Secondary School (Junior College) from 01.08.2003, the date on which the posts were available.

According to the petitioner, the respondent-Zilla Parishad was required to fill 25% of vacancies by promotion and 75% by nomination. According to the petitioner in the year 2003, eight posts of Junior College Lecturers were advertised and were filled by nomination. It is stated that at the relevant time in the year 2003, the Zilla Parishad ought to have filled 25% of the vacancies by promotion. It is stated that the Zilla Parishad did not fill the posts by promotion and, hence, the petitioner is entitled to be promoted as a Lecturer with deemed date from 01.08.2003 as he was eligible for being appointed as a Junior College Lecturer. It is stated that in view of the query made by the petitioner under the Right To Information Act, 2005 in respect of vacancies in the Junior College, it has been informed to the petitioner that there are fourteen vacancies. It is stated that out of the fourteen vacancies, some vacancies are required to be filled by promotion and, hence, the petitioner should be promoted in those vacancies.

The first prayer made by the petitioner for deemed date promotion from 01.08.2003 cannot be granted. Even if the petitioner is eligible for promotion, the petitioner has only a right to be considered for promotion along with the other eligible candidates. The petitioner has not pointed out the vacancies in the posts that are required to be filled by promotion and the posts that are required to be filled by nomination. Even assuming that there are fourteen vacancies, no direction can be issued to the Zilla Parishad to immediately fill those vacancies. The petitioner would only have a right to be considered for promotion along with the other eligible candidates when the Zilla Parishad performs the exercise of appointing the Junior College Lecturers by nomination and by promotion.

Since a direction cannot be issued to the Zilla Parishad to fill the vacancies, the writ petition is disposed of with no order as to costs. It is, however, clarified that the petitioner would be entitled to be considered for promotion on the post of Junior College Lecturer along with other eligible candidates, if the petitioner is eligible to be promoted on the said post.

Order accordingly. No costs.

JUDGE

JUDGE

APTE