

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

WRIT PETITION NO. 2646/2015

(PRAKASH GANESH KSHIRSAGAR **VERSUS** DY.DIRECTOR OF EDUCATION, NAGPUR & OTHERS)

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

Court's or Judge's orders

Shri R.R. Vyas, counsel for the petitioner.
 Ms N.P. Mehta, A.G.P. for the R-1 & 2.

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

DATE : AUGUST 25, 2015.

By this petition, the petitioner impugns the order of the Deputy Director of Education, dated 13.02.2014 dismissing an appeal filed by the petitioner for a direction to the management to promote the petitioner on the post of Junior Clerk.

On hearing the learned counsel for the parties and on a perusal of the impugned order, it appears that the Deputy Director of Education was justified in dismissing the appeal filed by the petitioner. Before the appeal was decided, the management had filled the post of Junior Clerk by nomination after following the due procedure including the issuance of advertisement in the year 2012 and the Education Officer had approved the appointment of the respondent no.5 on the said post. It is observed by the Deputy Director of Education that the petitioner was appointed as a Laboratory Attendant on a post earmarked for the Scheduled Tribes and the claim of the petitioner was invalidated by the scrutiny committee. Since the petitioner was appointed before 1995, the petitioner's services were protected in view of the judgments rendered by the Hon'ble Supreme Court and this Court and as the petitioner's services were protected despite the invalidation of his caste claim, the petitioner could not have claimed the promotion on the post of Junior Clerk. In any case, the post of Junior Clerk has been filled by nomination. Nothing has been pointed out on behalf

of the petitioner to show that the post could have been filled only by promotion and not by nomination.

For the reasons aforesaid, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE

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