

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR
BENCH, NAGPUR.

WRIT PETITION NO.5787 OF 2012

Dr. Dilid S/o Yeshwantrao Chavan

..vs..

**The State of Mah., (thr its Secretary) Agriculture, Animal Husbandry
Dairy Development and Fisheries Department, Mantralaya, Mumbai
and anr**

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

Court's or Judge's order

**Shri D.S. Raut, counsel for the Petitioner.
Shri A.S. Fulzele, AGP for R-1.
None appears for R-2.**

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
DATE : FEBRUARY 4, 2015.**

Heard Shri D.S. Raut, learned counsel for the petitioner and Shri A.S. Fulzele, learned Assistant Government Pleader for respondent No.1. Nobody appears for respondent No.2.

The petitioner presently working as “Livestock Supervisor Class-III” with Zilla Parishad, Yeotmal is before this Court in an attempt to have an exclusive channel of promotion to the cadre of “Livestock Development Officer Class-I”. Shri A.S. Fulzele, learned Assistant Government Pleader, has pointed out that this employment is with the

State Government. Therefore, the matter must be before the Maharashtra Administrative Tribunal.

Shri D.S. Raut, learned counsel for the petitioner, submits that as the promotional channel does not exist and the petitioner is a Zilla Parishad servant, the present writ petition has been filed. He is relying upon the provisions of Section 30 of (The Indian) Veterinary Council Act, 1984, to urge that it is only right of persons who are enrolled on the Indian veterinary practitioners register and they are entitled to practise veterinary medicine in any State and hold office as veterinary physician or Surgeon or any other like office in any Government or institution maintained by the local or other Authority. He has also invited our attention to order of promotion dated 22.6.2011 by which twenty three employees have been promoted to Class-I Cadre. He submits that their names are not borne on register under Section 30 and they are also not graduates.

Shri A.S. Fulzele, learned Assistant Government Pleader, states that he is still awaiting instructions. He relies upon proviso to Section 30 of the said Act to urge that the State

Government has been given power to permit a person holding a diploma or certificate to render the service. He submits that those twenty three persons are not parties before this Court.

The petition does not contain an express statement that the persons promoted are only diploma holders or then their names are not borne on register under Section 30 of the Act.

However, considering the nature of issues sought to be urged we grant leave the petitioner to make representation, complete in itself, to respondent No.2 in this respect. If such representation is made within six weeks from today, respondent No.1 shall consider it in accordance with law within next three months.

With these directions, keeping all rival contentions open, we dispose of the writ petition. No costs.

JUDGE

JUDGE

!! BRW !!

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