

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.1632 OF 2015

**Milind S/o Ramchandra Gavale Vs. The State of Maharashtra
and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.S.Kale, advocate for the petitioner.
Mrs.P.V.Diggikar, A.G.P. for the State.
Mr.R.S.Deshmukh, advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 17.11.2016.

PER COURT :

1. Heard.
2. The learned counsel for the petitioner submits that the order issued by the Respondent No.2 giving promotion to the Respondent No.3 is erroneous. The petitioner is serving as a Peon with Respondent No.2 since 2002. The petitioner was also given advance increment considering the satisfactory service. The service of the petitioner is unblemish. The petitioner was called for oral interview for the post of Bailiff. The petitioner satisfies all the criteria for the promotion to the post of Bailiff. According to the

learned counsel, a person below the petitioner in the seniority list have been promoted to the post of Bailiff. The petitioner is senior to Respondent No.3. The additional aspects in favour of the petitioner i.e. the advance increment, educational qualification and participation in the sports is not considered by the Respondent No.2 while denying the promotion to the petitioner for the post of Bailiff. Mr. Deshmukh, learned counsel for Respondent No.2 submits that various aspects are required to be examined while considering the candidates for promotion. In the selection process the Confidential Reports, Leave record, Special report and the marks obtained in the oral test are considered. The Respondent No.3 had secured 55 marks and the petitioner could secure only 37 marks. All the reports are considered. The Respondent No.3 was eligible. Adverse remarks in the Confidential reports of the petitioner exist.

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

4. We have considered the submissions. It appears that Confidential reports for the year 2013-14 contained remarks that petitioner avoids work and does not take self-initiative. Bifurcation of marks allotted to the petitioner are also detailed in the affidavit-in-reply filed by the Respondent No.2. It is not the case that the selection process has not been properly conducted. There are no malafides on the part of the Respondent. The Advisory Committee has unanimously decided to promote the candidate who had secured

aggregate 50% marks in the selection process. The petitioner could secure only 37% marks, whereas Respondent No.3 has secured 55% marks.

5. Considering the above, the grievance of the petitioner can not be considered. The Writ Petition as such is dismissed. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.17.11.2016.
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