

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1853 OF 2016

Eranna S/o Masnaji Kongalwar.

..Petitioner

VERSUS

The State of Maharashtra
and others.

...
Mr. U.P. Giri, Advocate for Petitioner;
Mr. S.B. Pulkundear, AGP for Respondents.

...

**CORAM : R.M. BORDE &
P.R.BORA, JJ.**

DATE : 15th March, 2016

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PER COURT:-

1) Petitioner is objecting to the judgment and order dated 27.11.2015 passed by the Maharashtra Administrative Tribunal, Bench at Aurangabad (herein after referred as 'the Tribunal') in Original Application No. 428/2013.

2) The aforesaid Original Application was filed by the petitioner, seeking directions against respondent Nos. 1 to 3 to include the name of the petitioner in the promotion order dated 15.02.2012 and seniority lists dated 02.07.2011, 15.02.2012 and 03.04.2013 and to post him as

a Group Instructor instead of Craft Instructor.

3) It was the contention of the petitioner before the Tribunal that, his initial appointment was as a Group Instructor, however, vide Government Resolution dated 30.09.2006, he was illegally reverted and was placed in the category of Craft Instructor (Computer Operating Programming Assistant). It was further contention of the petitioner before the Tribunal that, the employees, who are junior to him, have been awarded promotion and have been shown senior to the petitioner in the seniority list published by the Respondent No.3. It was further contended by the petitioner that, the petitioner has been intentionally denied promotion and that he has been singled out and discriminated while preparing the seniority list. After having considered the material placed on record, the learned Tribunal has rejected the Original Application vide the impugned order.

4) The Tribunal has rejected the contentions raised on behalf of the petitioner, mainly on the ground that, the petitioner did not challenge the Government Resolution dated 30.09.2006 till the first seniority list was published by respondents on 15.02.2012. It is further

observed by the Tribunal that, mere filing of representations was not enough and the petitioner ought to have challenged the Government Resolution dated 30.09.2006 at the earliest. The Tribunal has further rightly observed that, the seniority list in which the petitioner is seeking inclusion of his name, is in respect of the employees holding the post of Group Instructor, whereas the petitioner is the Craft Instructor. The Tribunal has further correctly observed that, in absence of any challenge by the petitioner to the Government Resolution dated 30.09.2006, prayers made by the petitioner for including his name in the seniority list of Group Instructor was not liable to be considered. It is further observed by the Tribunal that, it was not the petitioner alone who was posted as Craft Instructor at the relevant time from the category of Group Instructor. The Tribunal has observed that, the Government had taken stock of various posts in the Government Industrial Training Institutes as per the recommendations of the High Power Committee and in view of the said exercise the decision was taken to convert the post of Group Instructor (COPA) into Craft Instructor. As such, the allegation made by the petitioner that he has been singled out appears to be incorrect. So far as the

other objection raised by the petitioner that, S/Shri K.N.S.Shaikh, R.T.Kokani and M.D.Sidam though are junior, have been awarded promotion also cannot be accepted for the reason that, the aforesaid employees are included in the cadre of Group Instructor and their names have therefore rightly been included in the seniority list published by the respondents of Group Instructors.

5) Similar contentions as are raised in the present petition were raised by the petitioner before the Tribunal and as noted by us hereinabove, the Tribunal has rightly dealt with each and every such objection. No specific ground is raised by the petitioner to challenge to the decision of the of the Tribunal. We do not find that the Tribunal has committed any error in rejecting the Original Application, filed by the petitioner. The Petition is devoid of any substance and deserves to be rejected, and is accordingly rejected.

[P.R.BORA, J.]

[R.M.BORDE, J.]

S.P.Rane