

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 6549 OF 2015

Shri Dhanraj Janardhan Koche ... Petitioner
Vs.
The Principal Secretary,
General Administrative Department
& Ors. ... Respondents

Mr. Nitin P. Dalvi, for the Petitioner.

Mr. C. P. Yadav, AGP for the Respondent Nos. 1 to 3.

CORAM : V. M. KANADE, &
M. S. SONAK, JJ.

DATE : AUGUST 9, 2016

PC.

1. Heard the learned counsel appearing on behalf of the Petitioner as well as the learned AGP appearing for Respondent Nos. 1 to 3. The Petitioner is seeking deemed date of promotion in the post of Additional Registrar of Cooperative Societies from 13.7.2009. The contention of the Petitioner is that he is a backward class category person, and therefore, he was eligible for being appointed in the said

post. It is his contention that at the relevant time, there were 14 vacancies in the cadre of Additional Registrar, but the Respondents decided to promote only 11 employees. It is his case that Petitioner was deliberately excluded.

2. The Maharashtra Administrative Tribunal having considered the case of the Petitioner, came to a conclusion that contention of the Petitioner that there were 14 vacancies, was not correct. Secondly, it is held that the Petitioner / Applicant cannot claim the promotion as a matter of right. It also came to a conclusion that the question of granting him deemed date of promotion did not arise, since he was not considered for promotion and no person junior to him was promoted. We find that the reasons given by the Tribunal are cogent and not perverse. We are therefore not inclined to interfere with the well reasoned order of the Tribunal. Writ petition is, therefore, dismissed.

Sd/-
[M. S. SONAK, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath