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

WRIT PETITION NO. 598 OF 2016

Babulal Akaramji Ingle

-vs-

Shri Shivaji Education Society, Amravati and others

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. S.S.Khadse, counsel for the petitioner.
Mr. Abhay Sambre, counsel for the respondent Nos.1 and 2.
Mr. A.R.Patil, counsel for the respondent Nos.3 and 4.

CORAM : SMT. VASANTI A NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 22.11.2016.

By this writ petition, the petitioner challenges the order of the respondent-Education Society dated 27/04/2015 reverting the petitioner on the post of peon.

The respondent No.4 was promoted on the post of senior clerk and hence the post of junior clerk on which he was working became vacant. The petitioner was promoted on the post of junior clerk that fell vacant due to the promotion of the respondent No.4. Since the promotion of the respondent No.4 on the post of senior clerk was not approved by the University and he was not willing to work on the post of senior clerk, he was reverted to the post of junior clerk, where the petitioner was promoted. With the reversion of the respondent No.4 on the post of junior clerk, the petitioner was reverted on the post of peon.

We do not find any illegality in the impugned order passed by the respondent-Education Society reverting the petitioner on the post of peon. The petitioner was promoted on the post of junior clerk only because of the promotion of the respondent No.4 on the post of senior clerk. However, since the University has not yet granted approval to the promotion of the respondent No.4 on the post of senior clerk, the respondent No.4 was reverted by the respondent-Education

Society on the post of junior clerk. As the petitioner was appointed in the vacancy that occurred due to the promotion of the respondent No.4 on the post of senior clerk and as the respondent No.4 is reverted to the post of junior clerk, the petitioner cannot effectively challenge his reversion. The respondent-Education Society and the University are however free to pursue the matter pertaining to the grant of approval to the promotion of the respondent No.4 on the post of senior clerk. Be that as it may, since we do not find any illegality in the order passed by the respondent-Education Society in reverting the petitioner on the post of peon, the writ petition is liable to be dismissed.

Hence, we dismiss the writ petition with no order as to costs.

JUDGE **JUDGE**

KHUNTE