

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

Writ Petition No.1087 of 2005

Manohar Shama Rathod

Vs.

Deputy Director of Higher Education, Nagpur and 4 others.

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.**

DATE : 28th April, 2016.

Heard Mrs. Taiwada, learned Assistant Govt. Pleader. Nobody appears for other respondents or petitioner.

Learned AGP has pointed out that petitioner has, under misconceived notion that he has a right of promotion to post of LDC in terms of part 3 of Schedule F of the Maharashtra Employees of Private Schools (Conditions of Service) Rues 1981, approached this court. She invited our attention to the fact that identical challenge has been turned down by this court on 26.04.2016 while deciding W.P. No. 10/2005.

Petitioner has pleaded that he joined employment as a peon on 16.9.1997 and thereafter in June, 2004 post of LDC fell vacant. Prayer of petitioner is to direct management to promote him

on that post.

Division Bench of this Court in case of Ramesh Shivram Khairnar vs. State of Maharashtra and others reported at (**2003 (4) Mh.L.J. 470**), has taken a view that employee Ramesh ought to have been given promotion. Matter has been considered thereafter by Full Bench in case of Tanaji Madhukar Barbade vs. State of Maharashtra & Ors., reported at **2010 (6) Mh. L.J. 901**. The Full bench has found that there is no such right for promotion and employee who improves his qualification while in service is only entitled to grant of preference.

We have followed this full bench judgment while deciding W.P. No.10/2005 on 26.04.2016.

Accordingly, we follow the same view and as petitioner is not entitled to claim any promotion, we dismiss writ petition. Rule discharged. No costs.

JUDGE

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