

IN THE COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH, NAGPURWRIT PETITION NO. 953/2016(Ravindra s/o Shankar Ukey vs. The State of Maharashtra and others)

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

Court's or Judge's order

Mr.A.R.Ingole, Advocate for the petitioner
Mr.Nitin Rode, Asst.Govt.Pleader for Respondent Nos.1 & 2
Mr. V.D. Raut, Advocate for Respondent No.3

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

DATED : 22nd June, 2016

Heard.

By this Writ Petition, the petitioner seeks promotion to the post of Assistant Block Development Officer/Child Development Project Officer from the 'disabled' category as the petitioner is visually impaired. Certain other ancillary prayers are also made in the Writ Petition.

It is informed to this Court by the learned Assistant Government Pleader on oral instructions, that the process for filling up the post of Assistant Block Development Officer/Child Development Project Officer is not undertaken by the concerned respondents, as yet.

If the statement made on behalf of the concerned respondent no.2 is accepted, the relief sought by the petitioner cannot be granted. The

direction cannot be issued against the respondent no.2 to promote the petitioner on the post of Assistant Child Development Officer, when the process for filling up the said post, by promotion, is not undertaken. If at all, in future, the respondent no.2 initiates the process of filling up the post by promotion, the petitioner may file appropriate proceedings if the petitioner has a right to be promoted on the said post as per the reservation policy. It is most likely that the respondents would earmark the reservation if it is really available for the physically challenged persons.

In the circumstances of the case, we dismiss the Writ Petition, with no order as to costs. The question in regard to the position of the petitioner in the seniority list is kept open.

JUDGE

JUDGE

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