

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

WRIT PETITION NO.2512/2016

Smt. Sandhya Ganesh Kharche

...Versus...

**State of Maharashtra, through its Secretary, Department of Medical Education
and Drugs, Mantralaya, Mumbai and others**

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

Court's or Judge's orders

Shri Bhushan Mohata, Advocate for petitioner
Shri N.H. Joshi, AGP for respondent nos.1 to 3

**CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.**

DATE : 02.05.2016

By this writ petition, the petitioner challenges the promotion of the respondent no.5 to the post of Associate Professor in Kaumaryavrutya. The petitioner seeks a direction to modify the Government Resolution, dated 12.1.2016 and replace the name of the petitioner in place of the respondent no.5.

The Government created 121 new posts of Associate Professor in various Departments of which 100 posts were liable to be filled by nomination and 21 by promotion. The petitioner as well as the respondent no.5 were considered for promotion to the 21 posts by the duly constituted Divisional Promotion Committee in December, 2015 and by the impugned Government Resolution, dated 12.1.2016, the respondent no.5 was promoted on the post of Associate Professor in Kaumaryavrutya, denying the promotion to

the petitioner. The petitioner has challenged the Government Resolution and the consequential order, dated 4.2.2016 in the instant petition.

On hearing the learned Counsel for the parties, it appears that the relief sought by the petitioner cannot be granted. The Divisional Promotion Committee has considered the service record of the petitioner and the respondent no.5 that included their confidential reports. Though the petitioner claims to be senior to the respondent no.5, it appears that the remarks in the confidential reports of the respondent no.5 were much better than the remarks in the confidential reports of the petitioner. For past five years the petitioner secured remarks, B, B, B+, B+ and A, whereas the remarks in the confidential reports of the respondent no.5 were B+, A, A, A, and A. There is nothing in the Government Resolution to suggest that all the 21 posts were liable to be filled by promotion, only by considering the aspect of seniority. Since the Divisional Promotion Committee found that the respondent no.5 was more meritorious, the Committee appears to have selected the respondent no.5 for promotion.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE