

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6470 OF 2005

Shrikant S/o Rajaram Dixit	.. Petitioner
Versus	
M.S.E.B. through its Joint Secretary and others	.. Respondents

Shri S. R. Barlinge, Advocate for the Petitioner.

Shri H. t. Joshi, Advocate for Respondent Nos. 1 to 3 - absent.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 10TH AUGUST, 2017.

ORDER :

. Mr. Barlinge, the learned counsel for the petitioner submits that, the impugned orders of promotion dated 28.05.2004 and 04.03.2005 deserve to be set aside. Juniors to the petitioner are promoted. According to the learned counsel, the circulars and notings are misread by the authorities. The petitioner had informed the respondent No. 1 that, he deserves to be considered for promotion to the post of Deputy Executive Engineer, but the same is not considered. The correction slip has not been considered. The correction slip was withdrawn on 05.04.2004 by the respondent No. 1 on the representation of the union. Major charge against the petitioner was brushed aside by the competent authority. When order dated 28.05.2004 was issued, the circular

dated 13.11.2003 was not in existence. The respondent No. 1 should have considered the petitioner for promotion to the post of Deputy Executive Engineer while issuing order dated 28.05.2004. As major charge could not be proved against the petitioner, only censure was given to the petitioner. According to the learned counsel junior to the petitioner are promoted. The respondent Nos. 4 to 6 are junior to the petitioner, still they are promoted. The name of the respondent No. 4 appears at Sr. No. 714, whereas the name of the petitioner appears at Sr. No. 708. So also candidate at Sr. No. 709 and 711 are promoted, but the petitioner is denied promotion.

2. We have considered the submissions. It is a matter of fact that, the petitioner was issued penalty of censure. The petitioner was not exonerated of the charge. The regulation bearing No. 22A and the correction slip are considered. We could have considered the case of the petitioner, had the career of the petitioner been unblemished. The petitioner was certainly issued with punishment of censure and in view of that was not considered.

3. In the light of the above, writ petition is dismissed. Rule discharged. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 17