

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

BENCH AT AURANGABAD.

WRIT PETITION NO.1324 OF 2016

Shri Madhav S/o Ganpati
Panchal ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

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Mr.B.V.Thombre, advocate for the petitioner.
Mr.S.W.Munde, A.G.P. for the State.
Mr.N.S.Kadam, advocate for Respondent Nos.4 and
5.

...

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

Date : 29.09.2017.

PER COURT :

1. Mr.Thombre, learned counsel for the petitioner states that the petitioner is entitled to be granted deemed date of promotion as Headmaster since 2002. The Respondents are not computing the backlog since 1996. According to the learned counsel, the petitioner is further entitled to be granted promotion to the post of

Education Extension Officer Grade III with effect from 2005. The Respondents have not maintained separate seniority list of handicapped category in a proper manner. They are also required to fill in the backlog. Grave illegalities are committed by the Respondents in not granting promotions to the persons from physically disabled category. Even information sought is not been provided. The petitioner had also approached the competent authority-cum-Commissioner, Disabled Welfare Commissionerate, Maharashtra State, Pune, wherein order is passed directing the Chief Executive Officer, Zilla Parishad, Nanded to give deemed date of the year 2000 to the petitioner as Headmaster. The said order is also not been complied with.

2. Mr.Kadam, learned counsel for the Zilla Parishad submits that for Education Extension Officer Grade III, 11 posts are admissible and one Smt.N.N.Premalwad is promoted as Education Extension Officer being senior. She is appointed in the year 1983, whereas the petitioner is appointed in the year 1994.

3. We have considered the seniority list produced on record as of the year 2014 of Headmasters. The petitioner stands at serial No.15. As stated by the Respondents, there are 11 posts for Education Extension Officer Grade III. Reservation for physically disabled category is 4%. Considering the backlog, one post was reserved for physically disabled and senior most is promoted. The petitioner does not rank in seniority.

4. The Respondents are required to maintain the seniority and about the backlog since the date of Memorandum dated 29.12.2005.

5. In light of the clarification given by the Respondent - Zilla Parishad, it will not be possible to give deemed date to the petitioner.

6. The Writ Petition as such is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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