

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

WRIT PETITION NO. 1468 OF 2015
WITH
CIVIL APPLICATION NO. 6521 OF 2015

Sanjay s/o Kachru Pawar ...Petitioner

VERSUS

The State of Maharashtra
and others

...Respondents

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Shri P.R.Patil, advocate for the petitioner
Shri Y.G.Gujarathi, A.G.P. for respondent no.1
Shri Rajendra Deshmukh, advocate for respondent
no.2
Shri U.K.Patil, advocate for respondent no.3
Shri V.D.Sapkal, advocate for respondent no. 4

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 6th FEBRUARY, 2017

ORDER :

We have heard Shri Patil, learned counsel for the petitioner and Shri Deshmukh, learned counsel for the Corporation.

2. The petitioner, it appears, is aggrieved by the order dated 12.1.2015. The petitioner is claiming his stake for being promoted as Chief Accounts and Finance Officer. The Corporation, in its meeting, had taken a decision on 12.1.2015 that as the post is not vacant the claim of the petitioner cannot be considered. At the relevant time, one Mr. Thorat was functioning on the said post. He was sent on deputation.

3. It is submitted that during the pendency of Writ Petition, said Thorat is transferred and in his place some other person was deputed and now the said other person is transferred and the petitioner is presently officiating the said post as Incharge.

4. The order impugned in the present petition was passed on the premise that the post on which the petitioner stakes his claim for promotion was not vacant. It is not disputed by the learned

counsel for the respondent that the said post is now vacant.

5. In view of that, it would be appropriate for the respondent nos. 2 and 3 to consider the claim of the petitioner for promotion on the post of Chief Accounts and Finance Officer. The same be considered on its own merits in accordance with law. The petitioner may represent himself before the Corporation with regard to eligibility and all other aspects.

6. The Civil Application for intervention is filed. It would not be possible for us to pass any orders on intervention application. The applicant in the intervention application may take such steps as permissible in law.

7. The Corporation may consider the claim of the petitioner for promotion to the post of Chief Accounts and Finance Officer, expeditiously,

preferably within three months. Needless to state, in case some order adverse to the interest of petitioner is passed, the petitioner has liberty to agitate the same in appropriate proceeding.

8. The Writ Petition and the Civil Application accordingly disposed of. No costs.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

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