

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

WRIT PETITION NO. 2338 OF 2017

Raosaheb Mango Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri A. R. Syed, Advocate for the Petitioner.

Shri Y. G. Gujrathi, A.G.P. for Respondent Nos. 1 and 2.

Shri Maheshkumar S. Sonawane, Advocate for Respondent Nos.
3 and 4.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 21ST FEBRUARY, 2017.

PER COURT :

. Issue notice to respondents. The learned A. G. P. waives notice for respondent Nos. 1 and 2. Mr. Sonawane, the learned counsel waives notice for respondent Nos. 3 and 4.

2. The learned counsel for the petitioner states that, appeal filed by the petitioner is dismissed on the ground that order is not passed by the Chief Executive Officer. Under letter/order dated 26.03.2015 the C. E. O. of the Zilla Parishad has denied the claim of the petitioner for promotion.

3. Mr. Sonawane, the learned counsel appearing for respondent Nos. 3 and 4 submits that, vide letter/order dated 26.03.2015, the respondent No. 3 has denied the claim of the petitioner for promotion.

4. We have also heard the learned Assistant Government Pleader for respondent Nos. 1 and 2.

5. The order need not be in a particular format. The respondent No. 3 has negatived the claim of the petitioner for promotion. The manner in which the order is to be passed depends upon the authority. The authority under letter/order dated 26.03.2015 has negatived the claim of the petitioner for promotion. The same would be an order against which an appeal under Rule 14(B) of the Maharashtra Zilla Parishad District Services (Appeal) Rules would be tenable before the Divisional Commissioner.

6. Considering the above, we pass the following order.

7. The impugned order dated 12.01.2017 passed by the respondent No. 3 is quashed and set aside. The Divisional Commissioner, Nashik Division, Nashik shall decide the appeal filed by the petitioner on its own merits, considering the letter dated 26.03.2015 to be an order passed by the

Chief Executive Officer thereby negating the claim of the petitioner for promotion. The said appeal shall be decided expeditiously and preferably within a period of three (03) months from the receipt of appeal. The writ petition is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 17