

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

WRIT PETITION NO. 10864 OF 2015

Deepak Kailas Attarde

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Vinod P. Patil, Advocate for the Petitioner.

Ms. R. P. Gaur, A.G.P. for Respondent Nos. 1 and 2.

Shri Y. B. Bolkar, Advocate h/f Shri M. S. Sonwane, Advocate for the Respondent No. 3.

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

DATE : 12TH APRIL, 2017.

PER COURT :

. Mr. Patil, the learned counsel for the petitioner states that, the petitioner is working as a assistant to Junior Engineer. The petitioner is entitled to be promoted to the post of junior engineer. The persons similarly situated have been promoted in the year 2015 as junior engineers. The learned counsel submits that, the petitioner holds diploma in Architecture, as such is not required to pass departmental/professional exam. The learned counsel relies on the order passed by this Court dated 15.04.2014 in Writ Petition No. 1481 of 2014.

2. Mr. Bolkar, the learned counsel submits that, the petitioner does not hold diploma either in Civil, Mechanical or electrical engineering and is a diploma holder in architecture, which is not equivalent to diploma in civil, mechanical or electrical engineering.

3. We have gone through the order dated 15th April, 2014 in Writ Petition No. 1481 of 2014. The Court relied on the Division Bench judgment in a case of "Abdul Salim Siddiqui Abdul Rahim Vs. State of Maharashtra and others" reported in **(2004) BCI 129**. In the said judgment the Court observed that, it proposes to read clause (a) of Rule 10 of the Service Rules in a manner that the passing of professional examination for overseer in regard to only such assistant to junior engineer who have not passed recognized degree or diploma (three years) course in civil, mechanical or electrical engineering. In the present case, the petitioner does not possess diploma in civil, mechanical or electrical engineering.

4. In view of above, the petitioner before being considered for the post of junior engineer, will have to pass the departmental/professional examination and thereafter petitioner can be considered for the said post.

5. Mr. Patil, the learned counsel submits that, the diploma

which is possessed by the petitioner is of three years, whereas diploma required by respondents is of two years. The said argument would also not be helpful in view of the judgment in a case of Abdul Salim Siddiqui Abdul Rahim Vs. State of Maharashtra and others, wherein it states that, assistant to junior engineer who have not passed recognized degree or diploma (three years) course in civil, mechanical or electrical engineering are not entitled to be promoted to the post of Junior Engineer.

6. In view of the above, the writ petition accordingly is disposed of. No costs.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 17