

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1225 OF 2004

Appa S/o. Sitaram Nandedkar,
Age. 30 years, Occ. Head Master,
Kanya Shala, Rajuri (Navgaon),
Centre Rajuri (Navgan),
Tq. And Dist. Beed. ...Petitioner.

Versus

1. The Chief Executive Officer,
Zilla Parishad, Beed.
2. The Block Education Officer,
Panchayat Samiti, Kaij,
Dist. Beed.
3. The Additional Divisional Commissioner,
Aurangabad.
4. The State of Maharashtra. ...Respondents.

Advocate for Petitioner : Ms. M.A. Kulkarni.
AGP for Respondent No. 3 : Mr. S.R. Yadav Lonikar.

CORAM : RAVINDRA V. GHUGE, J.
DATED : 03rd March, 2018

ORAL JUDGMENT :

1. The petitioner is aggrieved by the order dated 11/11/2003, delivered by the Additional Divisional Commissioner, Aurangabad, by which, the Appeal preferred by the petitioner under Rule 13 of the Maharashtra Zilla Parishad, District Services (Discipline and Appeal) Rules, 1964, has been rejected.

2. Learned counsel for the petitioner has strenuously criticized the impugned order. She has drawn my attention to the twelve grounds formulated in this petition. Reliance is placed on the circular dated 24/10/1997, to support her contention that a person should be granted promotion with retrospective effect along with arrears of pay and allowances. The petitioner belongs to the scheduled caste category and his promotion has been wrongly taken away.

3. With the assistance of learned advocate for the petitioner and the learned AGP on behalf of respondent No. 3, I have gone through the petition paper book.

4. The record reveals that the date of acquiring qualification for promotion was wrongly mentioned by the petitioner and consequentially, he was granted promotion ahead of his seniors, as a Head Master by order dated 24/07/1998. This mistake was noticed on 03/06/2002 and hence, he was reverted and the senior most eligible teacher was promoted as the Head Master. The circular relied upon by the petitioner pertains to those cases wherein the promotion of a person is denied on administrative grounds and has wrongly been

deprived of promotion. In such cases, such candidates would be entitled for promotion with retrospective effect and would be given a deemed date along with arrears of pay and allowances. The petitioner's case does not fall in this category. The petitioner was declined interim relief when this Court admitted this petition on 22/03/2004.

5. As such, this petition being devoid of merit, is therefore, dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

S.P.C.