

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

WRIT PETITION NO.913 OF 2014

Kishor s/o Taterao Sonawane
Age-38 years, Occ : Service,
R/o N-4-C-63, Cidco, Aurangabad

...PETITIONER

VERSUS

1. The Maharashtra State Electricity
Transmission Company Ltd. Having
its Office at Prakash Ganga, Plot No.C-19,
E Block Bandra Kurla Complex,
Bandra (E), Mumbai - 400 051.
2. The Executive Director (Human Resources)
The Maharashtra State Electricity
Transmission Company Ltd. Having
its Office at Prakash Ganga, Plot No.C-19,
E Block Bandra Kurla Complex,
Bandra (E), Mumbai - 400 051.
3. The Chief General Manager (Human Resources)
The Maharashtra State Electricity
Transmission Company Ltd. Having
its Office at Prakash Ganga, Plot No.C-19,
E Block Bandra Kurla Complex,
Bandra (E), Mumbai - 400 051.
4. The General manager (HR-tech)
The Maharashtra State Electricity
Transmission Company Ltd. Having
its Office at Prakash Ganga, Plot No.C-19,
E Block Bandra Kurla Complex,
Bandra (E), Mumbai - 400 051.
5. Ashok Khyashaba Dhapare
Age-Major, Occ : Services as Exeuctive Engineer,
as Testing Division, Administrative Building,
Ground Floor, Maharashtra State Electricity
Transmission Company Ltd., Vijay Nagar,
Post-Supane, Tq. Karad, Dist. Satara. **.. RESPONDENTS**

Mr. S.N. Pagare, Advocate for the petitioner
Mr. S.V. Adwant, Advocate for respondents No.1 to 4

**CORAM : SUNIL P. DESHMUKH
S.M.GAVHANE,JJ.
DATED : 12.12.2018**

J U D G M E N T (PER :- SUNIL P. DESHMUKH, J.)

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties finally, by consent.

2. Succinctly stated it is the case of the petitioner that he is an engineering graduate and also possesses post graduate management degree i.e. Master of Business Administration (M.B.A.) and also possesses requisite experience as referred to and required in the notification dated 27.02.2009 and also post graduate degree (M.E.) in the subject of power system from 2010. He refers to that he belongs to Scheduled Caste category and one post of Executive Engineer (Transmission), to be filled in by the promotion has been reserved for Scheduled Caste. He further submits that respondent No.5 also belongs of Scheduled Caste category. However, respondent No.5 had been first selected under order dated 05.12.2009 on the post of Executive Engineer and had been promoted on 08.07.2010. Once having already been promoted on the post by virtue of seniority, said person could not have been selected and promoted again under the notification dated 27.02.2009 by way of nomination. He submits that since the petitioner being qualified to be promoted, on the basis of educational qualifications and experience and holding the post graduate management qualification, he ought to have been considered and appointed in the place of respondent No.5 by promotion through nomination.

3. Learned counsel further refers to order dated 02.08.2012 in Writ Petition No.5712 of 2010 had directed as under:-

"11. In this situation, we direct respondent Nos.1 to 3 to strictly adopt shortlisting norm as per Clause 6(8) of the

advertisement and if after adopting that norm and after considering marks secured by the petitioners in written test, they qualify for being called for personal interview, they shall be called for personal interview. If after personal interview they succeed, the petitioners shall be appointed only if they are in position to displace any of the last selected candidate in their respective group. However, this direction shall operate only if & is subject to the condition that none of the selected candidate already occupying any of the posts is not required to be disturbed."

4. He therefore urges to intervene in present writ petition directing the respondents No.1 to 4 to appoint petitioner on the post of Executive Engineer by nomination against Scheduled Caste category as per the notification dated 27.02.2009 and to quash the order dated 08.07.2010 passed in favour of respondent No.5 pursuant to the said notification.

5. Learned counsel Mr. Adwant appearing for respondents No.1 to 4 states that the petitioner has no voice and legs to stand on seeking promotion to the post of Executive Engineer (Transmission) under the notification dated 27.02.2009. He submits that appointment on promotion to the post of Executive Engineer (Transmission) under the notification has to be made after following due procedure and particularly he refers clause-8 as appearing on page 18. He submits that the petitioner had not been qualified in the written examination and had not been called for interview. As such he has no *locus standi* to challenge appointment of respondent No.5. He further incidentally refers to that promotion of respondent No.5 on the basis of seniority to the post of Executive Engineer (Transmission) had been tentative and subject to various conditions referred to. Respondent No.5 has accepted the subsequent promotion order dated 08.07.2010 i.e. promotion through the process pursuant to notification dated 27.02.2009. He has no grievance

whatsoever in respect of the same. He therefore submits that the petition does not carry any substance.

6. It transpires that there is no dispute in respect of factual aspect about the petitioner having not been qualified in the selection process under the notification dated 27.02.2009. In the circumstances, the petition as referred to by learned counsel for the respondent does not appear to carry any substance and the same is dismissed.

7. Rule is discharged. The petition is disposed of.

[S.M.GAVHANE,J.]

[SUNIL P. DESHMUKH,J.]