

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

WRIT PETITION NO. 10178 OF 2016

Amol Sheshadri Kulkarni

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. H.I. Pathan, Advocate for petitioner.

Mr. V.S. Badakh, A.G.P. for respondent – State.

Mr. A.M. Gaikwad, Advocate for respondent nos. 2 and 3.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 20th DECEMBER, 2018

ORDER :

The learned Counsel for the petitioner submits that the petitioner is eligible to be appointed on Class III post, however, was appointed on Class IV post. The learned Counsel submits that 30 persons have been appointed on compassionate ground on Class III post. The petitioner's case is not considered. The petitioner is at Sr. No. 9 in the list.

2. Mr. Gaikwad, the learned Counsel submits that at the relevant time, as the petitioner was crossing 40 years of age and was not

possessing the necessary qualification for Class III post, he accepted the appointment on Class IV post. The petitioner's proposal to accommodate him on Class III post is forwarded to the Circle Officer on 23rd December, 2015. At Circle level, the seniority list of the employees is prepared. The name of the petitioner finds place in that list. A proposal is also forwarded for creation of Class III post for the petitioner. Same is pending at Circle level.

3. As the proposal is already forwarded for accommodating the petitioner in Class III post, the respondents shall take decision on it. The decision with regard to the proposal forwarded for creation of Class III post for the petitioner, as stated in the affidavit, shall be taken by the concerned officer within a period of six months from today. Writ Petition is disposed of accordingly. No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

SSD