

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13733 OF 2016**

Dr. Gajanan Ramakant Ekbote. ... Petitioner.

V/s.

Dean, B.J. Medical College & ors. ... Respondents.

Mr. Mahesh Subramaniam I/b. Mr. S.V. Pitre, advocate for petitioner.

Mrs. M.P. Thakur, AGP for State.

Mr. Tejas Dande I/b. Tejas Dande & Associates, advocate for respondent No. 5.

**CORAM : RANJIT MORE &
SMT. SADHANA S. JADHAV, JJ.**

DATE : MARCH 9, 2018.

P. C. :

1 Heard. The Petitioner was working as Unit Head of Surgery Department of B.J. Medical College at Pune. He superannuated on 29/4/2011 and thereafter, on 2nd June, 2011 he was reappointed as consultant. The petitioner was given charge of Unit Head of Surgery department. The charge was subsequently taken from the petitioner by circular dated 5/7/2016 impugned in the present petition.

2 By now, it is settled position that assignment of head of department would not amount to appointment on the post and thus, taking away charge of the post would not result in reduction in rank. Reference can be made to the Judgment of Single Bench in **Mahatma Gandhi Mission Trust, Nanded & anr. V/s. Dr. Manohar Balwant Pisolkar & ors. (Writ Petition No. 3171 of 1994 decided on 25/1/2017 (Aurangabad))**.

3 In the light of the above, the Petition is no more survives. The same is dismissed.

[SMT. SADHANA S. JADHAV, J.]

[RANJIT MORE, J.]