

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.O. NO.1005/2018
IN
M.C.A. STAMP NO.10644/2018 (REVIEW)
IN
WRIT PETITION NO.799/2018 (D)

Amulya Rambhau Patil
..Vs..
The State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.R. Saboo, Advocate with Shri H.D. Futane, Advocate for applicant /
petitioner.
Ms. M.A. Barabde, A.G.P. for respondent No.1.

CORAM : B.P. DHARMADHIKARI AND
SMT. SWAPNA JOSHI JJ.
DATED : 13.7.2018.

1. Prayer in civil application is to condone delay of 55 days in filing miscellaneous civil application. Hence, before issuing notice, we wanted to *prima facie* consider whether there is any substance in prayer for review.
2. Though Writ Petition No.799/2018 is third petition, in earlier two petitions filed after promotion of junior there was no challenge to that promotion. In Writ

Petition No.5091/2014 simple direction sought was to consider representation of petitioner. Thereafter Writ Petition No.2127/2017 was filed with a grievance that representation is not decided and petitioner is not given promotion.

3. Promotion has been given thereafter in Scheduled Caste category. In Writ Petition No.799/2018 the prayer was to grant that promotion in physically handicapped category retrospectively i.e. three years from the date of appointment.

4. No such promotion given to any junior was ever questioned before this Court. Petitioner did not point out any promotion order issued to anybody after this Court disposed of Writ Petition No.5091/2014 on 18.12.2014.

5. It is, in this backdrop, that we have rejected Writ Petition No.799/2018 in motion hearing on 9th February, 2018. The Court then has observed that employer cannot be forced to fill any vacancy that too from a particular date. Had petitioner demonstrated some promotion, challenge to it etc., it would have brought on record violation of Article 14 and, therefore,

enabled petitioner to claim a right.

6. In review again there is no effort to demonstrate these factors.

7. We, therefore, find no substance in prayers.

Proceedings are, therefore, **rejected**.

JUDGE

JUDGE

Tambaskar.