

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

WRIT PETITION NO. 5193 OF 2018

Vikas Prabhakar Rao Kunturkar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. L. Bhapkar, Advocate for the Petitioner.

Shri S. B. Yawalkar, Addl.G.P. for the Respondent No. 1.

Shri Mukund R. Kulkarni, Advocate for Respondent Nos. 2 to 4.

The Respondent No. 5 is served.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 19TH JUNE, 2019.

FINAL ORDER :

. Mr. Bhapkar, the learned counsel for the petitioner submits that, nine persons junior to the petitioner have been promoted. The respondent No. 5 is the person who has been immediately promoted though junior to the petitioner. It is submitted that, the respondent No. 5 is subsequently removed from the post realizing that mistake has been committed by respondent Nos. 2 to 4. According to the learned counsel, the petitioner is entitled for promotion and for deemed date of promotion.

2. The learned advocate for respondent Nos. 2 to 4 submits that, the promotion is on the basis of seniority cum merit. The petitioner has made representation. The respondent No. 2 called the petitioner by issuing letter dated 17.01.2019. The petitioner has filed reply on 23.01.2019. Same is under consideration on merits. The learned counsel for respondent Nos. 2 to 4 further submits that, within a period of two (02) months from today the grievance of the petitioner would be decided. Said statement is accepted as an undertaking to this Court.

3. In view of the said statement made, the writ petition is disposed of. All contentions are kept open. In case grievance of the petitioner is not decided favourable to the petitioner, the petitioner is at liberty to assail the same before appropriate forum. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]