

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9039 OF 2018

SHIVAJI SHRIRAM MUNDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Thombre S. S.

AGP for Respondents No. 1 & 2 :

Mr. P. K. Lakhotiya

Advocate for Respondent No. 3 : Mr. S. S. Dambe

...

CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 14th AUGUST, 2019

PER COURT:

1. The petitioner is challenging the order of the Chief Executive Officer, Zilla Parishad, Beed denying the seniority to him. The petitioner is also challenging the letter issued by the Divisional Commissioner, Aurangabad Division, Aurangabad to the Chief Executive Officer dated 22.01.2014.

2. We have heard Mr. Thombre, learned counsel for the petitioner and Mr. Dambe, learned counsel for respondent no. 3.

3. According to the learned counsel for the respondent, the petitioner has remedy before the Commissioner.

4. Mr. Thombre, learned counsel for the petitioner submits that guidance was also given by the Commissioner to the Chief Executive Officer, as such, there is no propriety in approaching the Commissioner again.

5. The Commissioner had only given the guidance as sought by the Chief Executive Officer. The petitioner was never heard. The petitioner can bring all these facts and the legal position to the notice of the Commissioner which the Commissioner would consider.

6. The petitioner may approach the Commissioner with his grievance in the nature of appeal. The Commissioner shall within a period of three (03) months from filing of the appeal by the petitioner decide the same on its own merits and consider the contentions raised by the petitioner and the respondents.

7. Writ Petition is accordingly disposed of. No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

marathe