

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

**CIVIL APPLICATION NO. 1339 OF 2020  
IN / WITH  
REVIEW APPLICATION STAMP NO.40781 OF 2019  
IN  
WRIT PETITION NO. 9599 OF 2010**

Premanand Amrutlal Upacharya ... Applicant  
Versus  
The State of Maharashtra and others ... Respondents

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Mr. A. D. Shinde, Advocate for applicant  
Mrs. A. V. Gondhalekar, AGP for respondent Nos. 1 and 2  
Mr. R. S. Pawar, Advocate for respondent Nos. 3 and 4

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**CORAM : R. G. AVACHAT, J.  
DATED : 02<sup>nd</sup> MARCH, 2020**

PER COURT :

- . Heard Shri A. D. Shinde, learned Advocate for the applicant.
2. For the reasons stated in the application, delay is condoned.  
Civil Application No.1339 of 2020 is allowed.
3. Review of the judgment and order dated 11.10.2019 is sought  
in Review Application (St.) No.40781 of 2019 on two grounds,  
namely, Secondary School Code applies to the employees of the Zilla  
Parishad and the order of promotion of the applicant had been

issued by the Chief Executive Officer of the Zilla Parishad. Altogether, a new prayer has also been asked for seeking a deemed date of promotion on the ground that the applicant, after his demotion from the post of 'Kendra Pramukh' to the post of 'Primary Teacher' came to be promoted to the post of 'Kendra Pramukh'. In this review application this altogether new prayer cannot be considered.

4. So far as regards first ground of contention is concerned, the applicant in his petition itself has averred in no uncertain terms that Secondary School Code has no application to the employees of Zilla Parishad. Learned Advocate for the applicant would submit that after search, he could not find any other provision which permits an employee or a Teacher to pursue higher studies after obtaining the permission of his higher authorities. The submission may not be acceptable in view of the fact that the Maharashtra Civil Services (General Conditions of Service) Rules, speaks of obtaining prior permission of higher authority/appointing authority to pursue higher education during service.

5. It is true that the promotion order has been issued by the Chief Executive Officer of the Zilla Parishad. It would therefore be taken

that he was well aware of the procedure and the process that was followed in promoting the applicant to the post of 'Kendra Pramukh'. The facts are however that while the applicant was promoted to the post of 'Kendra Pramukh', there were three other Teachers senior to him and those were eligible to stake a claim to the post of 'Kendra Pramukh'. Their claim had not been considered while the applicant was promoted. On the complaint made by them, an inquiry was conducted and the applicant came to be demoted from the post of 'Kendra Pramukh' to the post of 'Primary Teacher'.

6. I have assigned the reasons in paragraphs No. 9, 10 and 11 of the judgment dated 11.10.2019. No error apparent on the face of record has thus been pointed out to review the order dated 11.10.2019. In the result, the Review Application fails. The same is therefore, dismissed.

**[ R. G. AVACHAT, J. ]**

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