

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8714 OF 2018

Rajan Chandrakant Juvekar ... Petitioner
V/s.
The Education Inspector and Ors. ... Respondents

Mr. B.G.Tangsali for the Petitioner.
Mr. Y.D. Patil, AGP for Respondent Nos. 1,2 and 5.
Ms. Vivien Tulzapurkar i/b Tushar Goradia for Respondent Nos. 3 and 4.
Mr. Prabhakar Chaudhari, Assistant Dy. Education Inspector South Zone present.

CORAM : N.R. BORKAR, JJ.
DATE : 2nd March, 2020.

P.C.

1. The Petitioner in the present petition has impugned the order dated 4th September 2017 passed by Respondent No. 1. By the order impugned, the respondent No. 1 rejected the approval to the promotion of Petitioner as Junior Clerk.

2. The Petitioner on 11th July 1994 was appointed as a Peon by Respondent No. 3. He came to be promoted as a Junior Clerk with effect from 1st October 2013. The Respondent No. 3 submitted proposal of promotion of

Petitioner as a junior clerk to Respondent No. 1. The Respondent No. 1 as stated earlier rejected the approval.

3. I have heard the learned counsel for Petitioner, learned AGP for Respondent Nos. 1, 2 and 5, so also the learned counsel for Respondent Nos. 3 and 4. The learned advocate for Petitioner has inter-alia submitted that Respondent No. 1 has granted approval to the similarly situated employees. It is submitted that the order impugned therefore needs to be set aside and Respondent No.1 needs to be directed to accord approval to the promotion of Petitioner as a Junior Clerk.

4. The Petitioner in ground 'C' of the Petition has stated that Education Inspector, North Zone, Chembur, Mumbai has accorded approvals to the similarly situated non teaching staff from various schools. Similarly, the Petitioner in ground No. 'E' has stated that Respondent No. 1 has accorded approval to similarly situated employee.

4. The Respondent No. 1 has not specifically

controverted the said averments in affidavit in reply.

5. In the above facts and circumstances, the impugned order of Respondent No. 1 dated 4th September 2017 is set aside. Respondent No.1 is directed to reconsider the proposal of promotion of the Petitioner to the post of Junior Clerk for approval within a period of six weeks from today.

6. Needless to mention that all other contentions of the parties are kept open, if they need to raise again. Petition is disposed of in above terms.

(N.R. BORKAR, J.)

