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

WRIT PETITION NO. 7440 OF 2018

Dnyaneshwar Shankar Dhakne

... Petitioner

V/s.

The State of Maharashtra through
Principal Secretary and Ors.

... Respondents

Mr. Vaibhav V. Ugle for the Petitioner

Mr. Abhijit Kulkarni for Respondent 2

***CORAM : NITIN JAMDAR &
M.S. KARNIK, JJ.***

DATE : 23 JANUARY 2020.

P.C. :-

Heard learned Counsel for the the parties.

2. The Petitioner has challenged an order dated 5 July 2018 whereby the Petitioner's promotion was cancelled and he was reverted to the post of steno-typist.

3. The order of promotion dated 10 February 2016 by which the Petitioner came to be temporarily promoted to the post of stenographer was conditional. It is specifically referred to the claim of an another employee - Smt. Rajput, who had challenged her invalidation of caste certificate by a Writ Petition in this Court. It was stated in the order that the temporary promotion was conditional upon the outcome of the Petition filed by Smt. Rajput. The Petition filed by Smt. Rajput was allowed by this Court. The proceedings were remanded to the Caste Verification Scrutiny Committee and the claim of Smt. Rajput was accepted and the Caste Validity Certificate was granted. In view of this position, impugned order was passed whereby the Petitioner came to be reverted to the post of typist as per the condition in the promotion order.

4. The learned Counsel for the Petitioner submitted that such condition ought not to have been placed in the promotional order. The Petitioner has accepted the said conditional promotion, worked on the same and cannot now challenge the said condition after the condition has been given effect. The learned Counsel then submitted that now Smt. Rajput has taken a voluntary retirement and the said post was vacant and necessary directions be given to the Respondents.

5. In this Petition it is not possible to do so. The promotion will have to be given as per the Rules and Regulations

governing the post. Like any other employee, it is always open to the Petitioner to make representations, to be considered as per law.

6. The Writ Petition is rejected.

M.S. KARNIK, J.

NITIN JAMDAR, J.

Jyoti P. Pawar

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