

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4099/2017

(ASHOK MAROTRAO PARATE **VERSUS** MAHARASHTRA STATE SECONDARY & HIGHER
SECONDARY EDUCATION BOARD, PUNE & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.D. Khati, counsel for petitioner.
Shri Anand Parchure, counsel for R-1 & 2.
Shri K.L. Dharmadhikari, A.G.P. for R-3.

CORAM : A.S. CHANDURKAR AND VINAY JOSHI, JJ.

DATE : JANUARY 20, 2020.

The petitioner was appointed as a Junior Clerk in the Scheduled Tribes category as he claimed to belong to Halba Scheduled Tribe. The date of appointment of the petitioner is 31.12.1985. The petitioner was promoted on the post of Senior Clerk on 13.11.1992. He was thereafter again promoted on a supervisory post on 23.07.1996. On 24.03.2017, the petitioner's caste claim was invalidated. In view thereof, the petitioner was reverted to the post of Junior Clerk on 08.06.2017. The said order of reversion is under challenge in the present writ petition.

According to the respondent nos.1 and 2, they have taken action in terms of Government Resolution dated 18.05.2013. It is submitted that the services of the petitioner have been protected and he has been permitted to continue in service on the post of Junior Clerk. Presently, the petitioner is working as Junior Clerk.

The petitioner seeks promotion to the post of Senior Clerk. Considering the fact that the petitioner has rendered service of almost fifteen years prior to his reversion, we are inclined to permit the petitioner to make a representation to seek promotion on the post of Senior Clerk. The statement made on behalf of the

respondent nos.1 and 2 that services of the petitioner would be protected on the post of Junior Clerk is taken on record. If the petitioner makes any such representation, the same be decided on its own merits expeditiously. The order dated 08.06.2017 shall not preclude the respondents from considering the petitioner's request for promotion on its own merits and in accordance with law. The writ petition is disposed of. No costs.

(VINAY JOSHI, J.) (A.S. CHANDURKAR, J.)

APTE