

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.7859/2019

Santosh Bhaskarrao Badukale Vs. The State of Maharashtra and others.

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

Court's or Judge's order

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Shri N. R. Saboo, Advocate for the petitioner.
Shri N. R. Patil, Assistant Government Pleader for respondent Nos.1
to 4.

CORAM : R.K. DESHPANDE &
AMIT B. BORKAR, JJ.
DATED : 21st JANUARY, 2020.

. This petition challenges the judgment and order dated 23.07.2018 passed by the Maharashtra Administrative Tribunal in O.A. No.710 of 2016 and the order dated 05.09.2019 passed on the Review Application No.19 of 2019. The challenge of the petitioner to his reversion from the post of Forester to the Forest Guard by an order dated 06.09.2014 has been rejected and therefore, this Writ Petition is preferred.

2. Shri Saboo, the learned Counsel appearing for the petitioner submits that though the petitioner was promoted to the post of Forester on the basis that he possessed a degree of Statutory University or any other qualification declared by the Government to be equivalent thereto in terms of Rule published by notification dated 22.10.2013, the said Rule was quashed and set aside by the Hon'ble Apex Court in the decision in a case of *Maharashtra*

Forest Guards and Forester Union Vs. State of Maharashtra reported in 2018 (1) SCC 149. He therefore, submits that even in the degree obtained by him is ignored, the petitioner was entitled to be promoted to the post of Forester and therefore, the promotion granted to the petitioner could not have been disturbing.

3. The petitioner was possessing a degree of Hindi Sahitya Visharad, which has been found to be a degree not recognised by any Statutory University. Such a findings recorded in the order of the Tribunal is not challenged. Once it is found that the petitioner was not possessing the degree of graduation, the claim of the petitioner could not have been considered for promotion in terms of the Rules published on 22.10.2013. The other similarly situated persons, who did not possess a graduation degree, were required to be considered alongwith the claim of the petitioner. Undisputedly, the claim of such persons were not considered for promotion, and only on the basis of the degree possessed by the petitioner, the promotion was granted. Once it is found that the degree was not recognised, no fault can be found in the order of reversion of the petitioner passed on 06.09.2014.

4. Writ Petition is dismissed.

JUDGE

JUDGE

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