

(1)

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

917 WRIT PETITION NO.8007 OF 2020

UKHARDU BALIRAM DHIVAR (THAKARE)  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr Y. B. Bolkar, Advocate for petitioner;  
Mr S. B. Yawalkar, A.G.P. for respondent Nos.1 & 2;  
Mr M. R. Sonawane, Advocate for respondent Nos.3 & 4

**CORAM : RAVINDRA V. GHUGE  
AND  
S. G. MEHARE, JJ.**

**DATE : 28th September, 2021**

**PER COURT:**

1. By this petition, the petitioner has put forth prayer clause (C), which reads as under :

*“C) By way of appropriate writ order or direction in the like nature, this Hon’ble High Court may kindly quash and set aside the letter dated 08/05/2007 issued by the State Government and further be pleased to hold that, the Notification dated 19/08/2005 is having overriding effect on the letter dated 08/05/2007 issued by the State Government and therefore, the promotions from the Village Panchayat Employees are only requires to be effected on the basis of the Notification dated 19/08/2005 and not on the basis of letter dated 08/05/2007.”*

(2)

2. The grievance of the petitioner is, that his promotional avenue was blocked because of the letter dated 08/05/2007, by which, the State of Maharashtra has introduced a reservation to the extent of 10% as social reservation for the posts reserved in the Zilla Parishad for the employees of the Grampanchayat.

3. The learned A.G.P. submits that the letter dated 08/05/2007, which triggered a reaction and the filing of this petition, has been withdrawn by the State Government.

4. The learned Advocate representing the Zilla Parishad submits that the petitioner was eligible for promotion, but for the impediment vide letter dated 08/05/2007. The said letter has now been withdrawn by the State Government. However, the petitioner is now age-barred.

5. Having considered the above submissions, we are of the view that the petitioner cannot be faulted. He was apparently eligible for the promotion as per the existing Rules, but for the letter dated 08/05/2007. It is equally undisputed that the petitioner was in the seniority list eligible to be promoted for two

(3)

years. It is on account of the act of the State Government that he became age-barred for no fault on his part. We would have appreciated had the letter dated 08/05/2007 continued to be in operation. Unconditional withdrawal of the said letter should not tantamount to jeopardizing the career prospects of the petitioner.

6. In view of the above, this petition is partly allowed.

7. As the letter dated 08/05/2007 has been withdrawn by the State Government, the petitioner would be eligible for promotion and shall be continued in the seniority list until the first opportunity for promotion occurs to him.

**(S. G. MEHARE, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk