

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO.10037 OF 2018

SAYYED HAFIZODDIN RAJA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. V.P. Latange, Advocate for the petitioner.
Mr. S.G. Sangle, A.G.P. for respondent No. 1.
Mr. V.S. Bedre, Advocate for respondent Nos.2 and 3.

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CORAM : **RAVINDRA V. GHUGE &
AVINASH G. GHAROTE, JJ.**

DATE : 23-06-2021.

ORDER :

1. We had heard this matter for quite some time on 21st June 2021 and we granted an adjournment to this day, to the parties, to take instructions in view of paragraph-8 of the affidavit in reply filed on behalf of respondent Nos.2 and 3 dated 2nd February 2020.

2. Paragraph-8 of the said affidavit in reply reads as under :

"I respectfully states that, as per the classification of Rules at present the petitioner is working as a Assistant to Accountant and as per the said classification, the petitioner can claim the promotion as a accountant. In respectfully states that, as per the approved rules the Municipal Corporation have also prepared the seniority list of the employees as per the classification of service on 1.1.2017 and 1.1.2018 respectively. However, the petitioner has not raised any dispute or objection to the

said seniority list. I state that, the name of the petitioner is included in account services, therefore, the petitioner is not entitled to claim in promotion for administrative services”.

3. The learned Counsel Mr. Bedre appearing on behalf of the Corporation – respondent Nos.2 and 3 submits, on instructions from the officers present in the Court hall, that as and when the post of Accountant is available, the petitioner, who is presently discharging his duties as an Assistant to the Accountant, would be considered for promotion to the post of Accountant in accordance with the service rules applicable.

4. The learned Advocate for the petitioner submits, on instructions, that presently there are three posts available. We would not be going into this aspect today.

5. The learned Counsel for the petitioner has made a statement on instructions from the petitioner that he would be restricting his claim in this Writ Petition only for his consideration for promotion to the post of Accountant.

6. In view of the above, by recording the statements made by the learned Counsel for the petitioner and respondent Nos.2 and 3 in the light of paragraph – 8 of the affidavit in reply of the Corporation reproduced above, this petition is disposed off.

7. Needless to state, the petitioner would be eligible to be considered for promotion to the post of Accountant as per service rules applicable and subject to the availability of the vacant posts. If

the petitioner finds that there are posts of Accountant vacant, he may accordingly point out to the Corporation and request for considering him for promotion.

(AVINASH G. GHAROTE)

(RAVINDRA V. GHUGE, J.)

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