

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

WRIT PETITION NO. 554/2021.

Kavita Haridas Chavan. ... Petitioner.

-VERSUS-

1.The State of Maharashtra
and others. ... Respondents.

.....
Shri V.B. Gawali, Advocate for the Petitioner.
Ms. K.Deshpande, Assistant Government Pleader for
Respondent Nos.1 to 3.

.....

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATE : 3 FEBRUARY 2021.

P.C.

Heard learned Counsel for the Petitioner and learned
Assistant Government Pleader for Respondent Nos. 1 to 3.

2. The Petitioner has challenged the orders passed by the
Maharashtra Administrative Tribunal, rejecting interim relief by
which the Petitioner had sought stay to the promotions from the

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post of Clerk to Food Supply Inspector in the Food Supply Department at Amravati.

3. The learned Counsel for the Petitioner submitted that the Petitioner has good case on merits, as the Government Resolution dated 15 May 2019 is violated while granting promotions and the persons junior to Petitioners are being promoted. The Petitioner has joined 15 persons as Respondents, who are sought to be promoted.

4. The case of Petitioner on merits will be considered by the Maharashtra Administrative Tribunal when the Original Application is taken up. If the Petitioner succeeds, she will get the benefits with retrospective effect. Needless to mention that since the Original Application is filed by the Petitioner, the promotions would be subject to the outcome of the said Original Application.

5. Since the Petitioner has urged the matter on merits, and the Tribunal was required to deal with that contention for the purpose of considering whether any interim relief is to be granted, hence, the observations will be considered as *prima facie*.

6. Considering the Constitutional Scheme and the status of the Tribunal, we are not inclined to interfere with this discretionary order as the discretion used is not perverse. Not

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filling up the posts will seriously affect the administration. It is open to the Petitioner to make a request to the Maharashtra Administrative Tribunal to take up the Original Application at an early date.

6. With these directions and clarifying that the observations made in the impugned order are prima facie, we dispose of the Writ Petition.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Rgd

**Rakesh
Dhuriya**

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by Rakesh
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