

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

25 WRIT PETITION NO.2370 OF 2018

**RAOSAHEB MANGO PATIL
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

...

Advocates for the petitioner : Mr.S.P.Brahme & Mr.A.R.Syed

AGP for Respondent-State : Mr.S.K.Tambe

Advocate for Respondent nos.2 and 3 : Mr.M.S.Sonwane

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**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 03.01.2022

P.C. :

1] Learned counsel for the petitioner submits that the petitioner is working as an Assistant Teacher and possesses qualification of B.A. B.Ed. The petitioner is qualified for the promotional post of Extension Officer from physically disabled category. The petitioner belongs to low vision category.

2] Learned Advocate for the petitioner further submits that still three posts of Extension Officers from Physically Disabled Category are vacant. Though the petitioner is shown at serial No.31 in the list, in fact except one, all the candidates above the petitioner, do not possess

B.Ed. qualification and they are not eligible. This aspect is not considered by the respondents. As there are three vacant posts, the petitioner would be entitled for promotion to the post of Extension Officer.

3] Mr.Sonwane, learned Advocate for respondent nos.2 and 3 submits that the petitioner is at serial no.31. There are only 7 posts of Extension Officers reserved for physically disabled category [low vision category]. All 7 posts are filled in. The petitioner has not challenged seniority list.

4] The seniority list placed on record shows that the petitioner is from low vision category and is at serial no.31. Already some persons are working as Kendra Pramukh and / or Extension Officer. We do not find the details as to the number of posts reserved for physically disabled [low vision] of Extension Officer and / or Kendra Pramukh. According to the learned counsel for the petitioner, two persons shown to be occupying the post of Kendra Pramukhs have retired.

5] The petitioner at no point of time has raised objection about the persons above him in the seniority list not possessing requisite qualification for the post of Extension Officer and / or Kendra Pramukh.

6] In the light of that, the petitioner may raise objection with the Chief Executive Officer in that regard. The Chief Executive Officer shall consider the objection raised by the petitioner and take decision with regard to the claim of the petitioner for the post of Kendra Pramukhs / Extension Officer, on its own merits, in accordance with law and Rules, preferably within four [4] months from the date of application made by the petitioner.

7] Writ Petition is disposed of.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

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