

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.646 OF 2021

MOHD NASER MOHD MANSOOR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. Sujeet Joshi
AGP for Respondents-State: Mr. Y.G. Gujarathi
Advocate for Respondent No. 2: Mr. S.M. Ganachari

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 9th JUNE, 2022

ORDER :

1. It is the grievance of the petitioner that he was recommended for promotion from open category. However, the promoting authority for reasons best known, insisted that the petitioner must produce caste validity certificate, for availing promotion. The petitioner could not produce caste validity certificate at that point of time, therefore, juniors of the petitioner were promoted. Subsequently, the petitioner produced caste validity certificate and then he was promoted. However, since he was belatedly promoted, he is placed below his juniors in the promotional cadre.

2. The petitioner filed appeal under Rule 13 and 14 of the Maharashtra Zilla Parishad District Services (Discipline & Appeal), Rules, 1964, before the Divisional Commissioner to ventilate his grievance. The appeal is rejected and the decision rejecting the appeal is subject matter of present petition.

3. The learned advocate for respondent No. 2 has raised issue of maintainability of this petition, in view of availability of alternate efficacious remedy of filing revision before the State Government under Rule 15 of the said rules.

4. In this view of the matter, the learned advocate for the petitioner seeks permission to withdraw the petition with liberty to avail alternate remedy. The writ petition is disposed of as withdrawn with liberty as prayed for. The pendency of this petition shall be taken into consideration at the time of deciding delay condonation application in the revision petition.

[NITIN B. SURYAWANSHI, J.]