

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 WRIT PETITION NO.10306 OF 2019

SAMBHAJI KISANRAO MANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Thombre S.S.
AGP for the respondent – State : Mrs. M.A. Deshpande
...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**
DATE : 30 SEPTEMBER 2022

ORAL ORDER (SANDEEP V. MARNE, J.) :

By the present petition, the petitioner challenges the order dated 12-04-2019 by which his Original Application no. 189 of 2017 has been dismissed. Before the Tribunal, the petitioner's ground was about rejection of his application for deemed date of promotion on the post of Naib Tahsildar from the year 2006-2007. The Original Application has been dismissed by the Tribunal by recording a finding that the petitioner was not able to point out that any of his junior officer was promoted from the year 2006-2007.

2. During pendency of the present petition, the respondents have revised seniority lists of Circle Officer as well as Naib Tahsildar. A fresh seniority list of Naib Tahsildar is published on 18-01-2019 and the petitioner claims that his name figures at serial number 912 in the said revised seniority list. He also claims that some of the individuals at

serial no. 912 to 962 have already been promoted to the post of Tahsildar. The petitioner has, thus, demonstrated that some of his junior officers are promoted to the post of Tahsildar.

3. Petitioner has accordingly made a representation dated 13-01-2022 for grant of promotion to the post of Tahsildar based on the revised seniority list of the post of Naib Tahsildar issued on 18-01-2019, Mrs. Deshpande, learned Assistant Government Pleader appearing for the State Government submits that the seniority list dated 18-01-2019 is under further revision. Be that as it may. The purpose of filing this petition is served and nothing remains to be determined.

4. According to us, the issuance of the revised seniority list of Naib Tahsildar dated 18-01-2019 has created a fresh cause of action for the petitioner. The present petition can be disposed of by directing the Divisional Commissioner to decide the petitioner's representation dated 13-01-2022 and after an appropriate reply is given to him, if the petitioner is aggrieved by the same, he would be at liberty to file fresh Original Application before the Tribunal.

5. With these directions, the petition is disposed of.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/