

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 WRIT PETITION NO.10941 OF 2022

SHAIKH JALIL SHAIKH CHAND
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

.....
Advocate for Petitioners : Mr. S.A. Nagarsoge
AGP for Respondents 1 to 4: Mrs. R.P. Gour
Advocate for Respondents 5 and 6 : Mr. P.D. Suryawanshi
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 10th NOVEMBER, 2022.**

PER COURT :-

1. The petitioner has put forth prayer clauses "B" and "C" as under:-

"B) By issuing writ of mandamus, order, directions in the like nature, the respondent No.5 & 6 may please be directed to promote the petitioner to the post of cluster chief by giving continuity with effect from 2013 in view of the Government Resolution dated 16.2.2018 in the interest of justice.

C) By issuing writ of mandamus, order, directions in the like nature, the respondent No.5 & 6 may please be directed to decide the request applications of the petitioner dated 03.08.2022, 08.09.2022 and 23.09.2022 which are at "Exhibit-D" of the petition."

2. Having considered the submission of the petitioner, we are not inclined to entertain this petition in the light of the fact that he was

temporarily working as Cluster Chief for one year in 2013 and in 2021, after a passage of 9 years, he prays that he should be made a regular Cluster Chief and should be granted continuity in service from 2013.

3. The learned advocate for the petitioner submits that the petitioner's representations be considered as per the due procedure, laid down in law.

4. In view of the above, we observe that respondent No.5 may consider the case of the petitioner by following the due procedure laid down in law with regard to his claim of being granted the post of Cluster Chief.

5. We make it clear that we have not expressed any view as regards the merits of the claim of the petitioner for the post Chief Cluster. His claim may be considered alongwith all eligible candidates by following due procedure laid down in law and the requisite qualifications, of course subject to the available vacancies.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/