

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

928 WRIT PETITION NO.13717 OF 2017

**RAKESH MANOHAR PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Petitioner : Mr. Ashok R. Tapse h/for
Mr. P. D. Suryawanshi
AGP for Respondent State: Mrs. V. N. Patil Jadhav
Advocate for Respondent No.2 : Mr. A. S. Shelke

**CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 23 JUNE 2022

ORDER:

By this petition, the petitioner is seeking a direction to the second respondent University to fill up the post of Veterinary Officer by promotion as per the provisions of the Maharashtra Agricultural University (Krishi Vidyapeeth) Statute 1990.

2. We have heard the learned counsel for the parties. Perused record.

3. The petitioner was appointed as a Junior Veterinary Officer in the respondent University on 27 January 2009 and since then, he is working on the same post. According to the petitioner, as

per the Government Resolution dated 29 November 2003, the staffing pattern of the respondent University was approved, wherein, there were two posts of Junior Veterinary Officer and three posts of Senior Veterinary Officer sanctioned. The second respondent published a seniority list of the Junior Veterinary Officers on 15 September 2017 in which the name of the petitioner figures at Serial No.4 as on 1st of January 2017. The petitioner claims that three of his senior officers namely A.A.Awtai, V. T. Aher and R. V. Bhonde have since retired and as such, the petitioner is the senior-most in the cadre of Junior Veterinary Officer. Further, according to the petitioner, as per Statute No.77(2) of the 1990 Statute, 50 % posts of the Veterinary Officer have to be filled in by promotion and remaining by nomination.

4. The learned counsel for the respondent University submits that as per the applicable Rules, 100% of the posts of the Veterinary Officer have to be filled by direct recruitment/nomination. For this purpose, the learned counsel has placed reliance on the communication received from the Assistant Commissioner, Backward Class Cell (BC Cell), Nashik Division, Nashik (Page

No.53 of the compilation), wherein all the three posts of Veterinary Officers are required to be filled by nomination. He submits that as per Statue No.77 (2) of the 1990 Statute, the Vice Chancellor has to determine the manner in which such posts are to be filled and as yet, there is no decision to fill up 50% of the posts by promotion.

5. Be that as it may, the learned counsel submits that there are representations received from the petitioner dated 16 September 2017 and 19 September 2017 which respondent No.2 University shall decide and shall communicate the decision to the petitioner. The statement so made is accepted.

6. Thus, at this stage, without going into merits of the rival contentions, we direct the respondent No.2 University to decide the representations in accordance with law, as expeditiously as possible and preferably within a period of three months from today and the decision shall be communicated to the petitioner.

7. The petition is disposed of in the aforesaid terms.

SANDIPKUMAR C. MORE, J

C. V. BHADANG, J.

JPCavan