

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 1616 of 2019

Premsing Damu Jadhao
versus

The State of Maharashtra, through its Department of Rural Development, Mumbai and anr.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N. R. Saboo, Advocate for petitioner.
Shri A.S.Fulzele, Additional Government Pleader for respondent no. 1.
Shri Tanmay M. Shende, Advocate h/f Shri A.P.Thakre, Advocate for respondent
no.2.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE :- SEPTEMBER 30, 2022

P.C.

Heard.

The petitioner was appointed on the post of Attendant which is a Group-D post. It is his case that having obtained graduate qualification, he is entitled to be promoted in Group-C on the post of Junior Assistant (Accounts). The petitioner claims to belong to Vimukta Jati-A (VJ-A) category and possesses a validity certificate to that effect. Though the promotions were effected in the year 2015, the petitioner was not promoted. He therefore raised a grievance in that regard. On 03.12.2018 the Chief Executive Officer, Zilla Parishad, Chandrapur informed the petitioner that in view of Government Resolution dated 29.12.2017 the promotions from the Open category were not being made. Being aggrieved the petitioner has challenged the aforesaid communication dated 03.12.2018.

The petitioner has filed Civil Application (W) No.1120 of 2022 alongwith various documents. It is stated that the

Government Resolution dated 29.12.2017 now stands preceded by subsequent Government Resolution 18.02.2021. Similarly by issuing Government Resolution dated 07.05.2021 directions have been issued to make promotions after considering the seniority list.

In these facts and in view of subsequent developments, the following order would serve the interest of justice:-

- (i) The impugned communication dated 03.12.2018 is set aside for the reason that it was issued in the light of Government Resolution dated 29.12.2017 which has now been withdrawn.
- (ii) The Chief Executive Officer, Zilla Parishad, Chandrapur shall consider the petitioner's claim for promotion in the light of prevailing policy and especially in the light of the Government Resolutions dated 18.02.2021 and 07.05.2021. Necessary steps in that regard be taken within a period of eight weeks from receiving the copy of this order.
- (iii) The writ petition stands disposed of. No costs.
- (iv) Pending Civil Application (W) No. 1120/2022 also stands disposed of.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..