

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No. 1734/2022

Mr. Syed Quyyuam Syed Razzaaque

...Petitioner

Versus

State of Maharashtra and ors.

...Respondents

Mr. Y.R. Kinkhede, Advocate for the Petitioner

Ms. Kalyani R. Deshpande, Assistant Government Pleader for the
Respondent Nos. 1 to 4 – State

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATED : 19 APRIL 2022

P.C.:

Heard the learned Counsel for the parties.

2. The learned Counsel for the Petitioner states that the case of the Petitioner is identical to another Teacher from the same Educational Institution i.e. one Abdul Kalim Abdul Samad who had filed Writ Petition 1672/2022 and this Writ Petition was disposed of by an order dated 28 March 2022 directing the Respondents to go through the decision relied upon and decide the representation of the Petitioner. The learned Counsel for the Petitioner states that an identical order be passed in the present case.

3. In the present case, the Petitioner is seeking a Writ of Mandamus against Respondent Nos. 1 to 4, for grant of upgradation of the Petitioner to full time Librarian from the date as stated in the Petition.

The Petitioner has relied upon the Government Resolution dated 28 June 1994 and has sought benefits of the notional pay fixation, time bound promotion and pensionary benefits.

4. The petitioner has approached this Court directly without asserting the Petitioner's right as above. The contention of the Petitioner is that one similarly situated employee had asked for this relief, however, it was not granted. Learned Counsel also points out that similarly situated employees had filed Writ Petitions, which were allowed in their favour based on the very same Government Resolution which the Petitioner seeks to rely upon. If that be the case, nothing stopped the Petitioner from approaching the concerned Respondent annexing the copy of the Government Resolution and order passed by this Court.

5. If the Petitioner approaches the concerned Respondent within a period of two weeks from today annexing the copy of the Government Resolution and the orders passed by this Court annexed to this Petition, Respondent No.3 will go through the judgment, Government Resolution and the representation of the Petitioner and pass necessary orders within a period of eight weeks from the date the Petitioner's make an application/representation, subject to earlier time bound commitments and pressing public duties.

6. The Writ Petition is accordingly disposed of.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]

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