

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

WRIT PETITION NO.5478 OF 2021

Dinkar Tulsiram Gher, AT Post Sawali, Tah. Sawali, Dist. Chandrapur

-vs-

State of Maharashtra, Thr. Secretary, Ministry of Co-operation, Marketing Textile, Mantralaya
Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri H. A. Khedikar, Advocate for petitioner.

Shri N. R. Rode, Assistant Government Pleader for respondent Nos.1,2
and 6.

Shri S. S. Ghatge, Advocate for respondent No.3.

Shri R. J. Kanakale, Advocate for respondent No.4.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : June 24, 2022

The petitioner seeks to raise a challenge to an order passed by the Director of Marketing on 28/10/2021 thereby granting extension to the appointment of respondent No.4 on the post of Secretary till 30/06/2022. The said respondent No.4 was initially appointed on the post of Secretary on 30/06/2020. This appointment was for a period of one year and it is after expiry of that period the Market Committee sought extension to the appointment of respondent No.4 from 01/07/2021 to 30/06/2022.

Admittedly the petitioner is serving as Junior Clerk with the Market Committee. In the hierarchy of posts as seen from the seniority list, the post of Inspector/Accountant and Joint

Secretary are posts which are sub-ordinate to the post of Secretary. Though the learned counsel for the petitioner sought to rely upon Government Resolution dated 08/01/2016 to urge that the same was being violated while appointing respondent No.4, we find that since the petitioner was holding the post of Junior Clerk, there is no question of his aspect of promotion being affected. Moreover, the petitioner failed to challenge the initial order of appointment of the respondent which was of 30/06/2020. We therefore find that there is no legal justification in favour of the petitioner to challenge the order dated 20/10/2021 which extends the appointment of respondent No.4 on contractual basis till 30/06/2022.

The learned counsel for the petitioner relied upon the decision in *Mehsana District Central Cooperative Bank Ltd. And ors. vs. State of Gujarat and ors. (2004) 2 SCC 463*. In service jurisprudence the aspect of seniority has to be considered from the legal injury caused to the petitioner and since no legal injury has been suffered by the petitioner, we are not inclined to entertain the petition. It is accordingly dismissed. No costs.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)