

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

**908 WRIT PETITION NO.805 OF 2023
WITH CA/4426/2023 IN WP/805/2023
WITH CA/5456/2023 IN WP/805/2023
WITH CA/9263/2023 IN WP/805/2023**

**VIJAYKUMAR KHEMAJI ADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

...
Advocate for Petitioners : Mr. Munde Sambhaji G
AGP for Respondents/State : Mr. P.S. Patil
Advocate for R/4 & 5 : Mr. V.C. Patil h/f. U.B. Bondar
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 27th October, 2023**

PC. :-

1. On 31.01.2023, we had passed the following order:

"1. The petitioners have put forth prayer clause B, C and D as under :-

"B) By issuing Writ of Mandamus or any other appropriate Writ, Order or directions in the like nature, the Respondents may kindly be ordered to complete cluster chief (Kendra Pramukh) promotion process as per the notification dated 10/06/2014 within time limit.

C) By issuing Writ of Mandamus or any other appropriate Writ, Order or directions in like nature, it may kindly declare and hold that Government Resolution dated 01/12/2022 cannot retrospective effect to the promotion to the present petitioners.

D) By issuing Writ of Mandamus or any other appropriate Writ, Order or directions in like nature, it may kindly direct to Zilla Parishad Latur dated 05/12/2022"

2. Issue notice to the respondents, returnable on 13.03.2023. The learned AGP waives service of notice on behalf of respondent Nos. 1 to 3. The learned Advocate waives service of notice on behalf of respondent Nos. 4 and 5.

3. Let the affidavits in reply be filed at least 10 days prior to the returnable date in this matter.

4. All office objections to be removed within 4 weeks.”

2. We have heard the learned advocates for the respective sides. The contention of the learned advocate for the Petitioners is that the Respondents be directed to complete the promotion process of Cluster Chief (Kendra Pramukh) as per the notification dated 10.06.2014, within a timeline.

3. The learned advocate for the Zilla Parishad has filed an affidavit in reply and has stated that the selection process for promotion to the post of Cluster Head, has not been initiated. This statement is made in the additional affidavit in reply dated 01.09.2023 in paragraph no.1. As such, taking into account the statement made on oath by the Deputy Education Officer Primary that the selection process or the promotion process for appointment of Cluster Head has still not commenced, this petition is rendered pre-mature.

4. **The Writ Petition is, therefore, disposed off.** Needless to state, in the event such process is commenced by the Zilla Parishad, they would follow

the due procedure laid down in law and in the light of the policies of the Government as may be applicable.

3. In view of the above, the pending **Civil Applications would not survive and stand disposed off.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]