

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO.3170 OF 2023

VIKAS SURESHRAO WAGHMARE
VERSUS
THE PRINCIPAL DISTRICT AND SESSIONS JUDGE AND
DISCIPLINARY AUTHORITY AND OTHERS

Advocate for Petitioner : Mr. H.D. Deshmukh
Advocate for Respondents : Mr. R.J. Godbole

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 28th APRIL, 2023.**

PER COURT :-

1. On 21.3.2023, we had passed the following order:-

“1. The Petitioner was earlier charged with absenteeism and was awarded the punishment of removal from service. He approached this Court. By order dated 20.02.2019, his Writ Petition No.1337/2018 was partly allowed and the punishment was converted into stoppage of two increments. The grievance of the Petitioner is that he is not being considered for promotion.

2. Shri Godbole, the learned Advocate, appears in the matter on behalf of all the Respondents and seeks time to take instructions.

3. List this petition on 31.03.2023 in the **passing orders category**. The learned Advocate for the Respondents to take instructions as to whether, the Petitioner would be considered for promotion in view of the judgment of the High Court.”

2. The learned advocate representing respondent Nos. 1, 2 and 3 submits on the basis of the written instructions that the Petitioner has put up a dismal performance in the English written test in the last five examinations. The scores of the said five examinations are as under:-

Sr. No.	Date of English Written Test	Minimum marks required for passing out of 10 Mars.	Marks scored by the petitioner.
1	20.11.2021	3.5	2
2	11.02.2022	3.5	2
3	07.07.2022	3.5	2.5
4	16.11.2022	3.5	1.5
5	08.02.2023	3.5	2

3. The learned advocate for the petitioner submits that since none of his examination results were even communicated to him, he was speculating that his result is not being declared only because of the earlier departmental enquiry, which has resulted in stoppage of two increments. Now that he is made aware of his result, this petition could be disposed off.

4. In view of the above, **this petition is disposed off.**

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/