

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

14 WRIT PETITION NO.11567 OF 2023

UMESH JAGANNATHRAO ARBAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

....
Advocate for Petitioners : Mr. Sontakke Sandeep B
AGP for Respondents/State : Mr. P.S. Patil
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.
DATE : 20th September, 2023**

PC. :-

1. The Petitioners have put-forth prayer clause-A and B as under:

“A. To issue writ of Mandamus or any other appropriate writ order or directions in the like nature, to direct the respondent n. 2 to include the names of the petitioner's in the list of sending preference of revenue division for Promotion of Tax assessor and administrative service Group -C to Group -B.

B. To issue writ of Mandamus or any other appropriate writ order or directions in the like nature, to hold and declare that Degree of Sahitya Sudhakar by Mumbai Vidyapeeth is equivalent to B.A. Degree as Per the GR dated 28.02.2007 and thereby to direct respondent n. 2 that the petitioners promotion of are Tax administrative service entitled for the assessor Group and -C to Group B as per the final seniority list dated 22.10.2022.”

2. We have heard the learned advocates for the respective sides.

3. In the order dated 27.01.2017 passed by this Court [**Coram: V.M. Kanade & Sangitrao S. Patil, JJ.**] in **Writ Petition no.7233/2016**, it has been held in paragraph nos.4 to 7 as under:

“04. It is submitted that the application of the petitioner for appointment on compassionate ground was not considered on the ground that the degree namely 'Sahitya Sudhakar issued by Mumbai Hindi Vidyapeeth is not equivalent to the degree of 'Bachelor of Arts' issued by the State University. The learned Counsel appearing on behalf of the petitioner invited our attention to judgments delivered by this Court in Writ Petition No. 6505 of 2013 (Pawan Subhash Marale Vs. Maharashtra State Road Transport Corporation, Mumbai, and others) on 30th July, 2014 and in Writ Petition No. 9879 of 2015 (Gajanan Prakash Otari Vs. The State of Maharashtra & another) on 04th December, 2016.

05. We have perused the judgments cited supra. In both these petitions, this Court has held that in view of Government Resolution dated 28th February, 2007, degree of 'Sahitya Sudhakar of Mumbai Hindi Vidyapeeth is equivalent to the degree of 'Bachelor of Arts issued by the State University.

06. In that view of the matter, the impugned order / communication issued by respondent no.02 - Corporation on 14.05.2015 is quashed and set aside and the respondents are directed to consider claim of the petitioner for appointment on compassionate ground on merits and in accordance with law.

07. Rule made absolute in the above terms. In the circumstances, parties shall bear their own costs.”

4. In view of the above, if the Petitioners are equipped with a degree of 'Sahitya Sudhakar' conferred on them by the Mumbai Hindi Vidyapeeth, the same would be equivalent to the degree of Bachelor of Arts.

5. Therefore, **this petition is disposed off** with a direction to Respondent No.2 to consider the candidatures of these Petitioners on their own merits. The degree of 'Sahitya Sudhakar' be considered as equivalent to Bachelor of Arts. We make it clear that we have not expressed any opinion as regards the selection of these Petitioners.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]