

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

**943 CIVIL APPLICATION NO.13507 OF 2023
IN WP/7087/2023**

**SUNIL BHASKAR SHIRSAT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

...
Advocate for Applicants : Mr. Arvind Gopalrao Ambetkar
AGP for Respondents/State : Mr. S.G. Karlekar
Advocate for R/3 & 4 : Mr. A.D. Aghav
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 4th November, 2023**

PC. :-

1. In the Writ Petition, the Petitioners had challenged the order dated 08.06.2023 by which their claim for promotion has been negated. The Petitioners were earlier before this Court in Writ Petition No.4656/2023. By an order dated 26.04.2023, we had disposed off the petition in view of the statement of the Zilla Parishad that the Petitioners would be considered in accordance with the policies and the Government Resolutions applicable. The petitions were disposed off by recording that if the Zilla Parishad initiated the process with regard to the filling in of the vacancy of Kendra Pramukh / Cluster Head, the process shall be completed without any delay.

2. The Petitioners approached the Education Officer (Primary), Zilla Parishad, Ahmednagar with a representation dated 28.10.2023 and categorically quoted our order passed in Writ Petition No.4656/2023 and unethically projected to the Education Officer that the High Court has directed the department to install the Petitioners as Cluster Head for the Science subject. They have further stated in the representation that as the present Writ Petition is pending, the procedure for promoting the Cluster Head as per the seniority would not be proceeded with.

3. In the present petition, a Co-ordinate Bench issued the first order on 27.06.2023 noting the submissions of the learned advocates for the respective sides and issued notice. No relief has been granted to the Petitioners. Yet they are practically threatening the Education Officer (Primary) by quoting an earlier order as if they were granted promotion by this Court and in the absence of any interim orders in the present petition, they had called upon the authorities not to proceed with the said process.

4. Naturally, we will deprecate the conduct of the Petitioners who are graduate teachers. If this is the attitude of deliberately misleading the authorities by projecting as if this Court has granted certain orders in their favour in the absence of any, less said the better. Nevertheless, considering the

above circumstances and keeping in view that the Petitioners would be considered as per the seniority, **the Civil Application is rejected.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]