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

WRIT PETITION NO. 14966 OF 2023

**DAMODHAR PANDURANG GHORPADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Shri Irale Patil D.R., Advocate for the Petitioner.
Shri A.B. Girase, G.P. for Respondents 1 to 3/State.
Shri P.D. Suryawanshi, Advocate for Respondent 4.
...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRADE, JJ.**

DATE :- 11th December, 2023

Per Court :-

1. The Petitioner's representation dated 19.05.2023 seeking consideration for promotion, is pending before Respondent No.1.

2. The learned Government Pleader submits that as there was a criminal case against the Petitioner under the Prevention of Corruption Act and since the departmental enquiry was initiated against him, he is not being considered for promotion. He further adds that the Enquiry Officer has concluded that the charges are not proved because the criminal

case is going on and the competent Court would be able to decide whether, the Petitioner has received illegal gratification and whether, he is guilty of the offence prescribed under the Prevention of Corruption Act. In the criminal case, the charges have been framed and now the trial would commence.

3. In view of the above, we do not deem it appropriate to exercise our extraordinary jurisdiction to direct the Respondents to consider the representation of the Petitioner. In the event, the Petitioner is acquitted and there is no other legal impediment, he would be at liberty to pray for all service benefits as may be available to him, even with retrospective effect.

4. **The Writ Petition is, accordingly, disposed off.**

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)