

jvs

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

WRIT PETITION NO. 6818 OF 2022

Chandrasubhash Dattaram Parab } & Ors. }	Petitioners
Versus	
The State of Maharashtra & Ors. }	Respondents

Mr. Balaji S. Shinde for the petitioners.

M. R. P. Kadam, AGP for State.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: FEBRUARY 16, 2023

P.C.:

1. We have heard the learned advocate for the petitioners. The learned advocate refers to Government Resolution dated 31st March 2021 and submits that the date of passing of the examination shall be construed as the next day of the last paper of the said examination and from the said date, the petitioners' seniority be counted.

2. The petitioners are issued with the promotion orders on 4th July 2005. The day next to the last paper of the examination is construed for the purpose of considering the date of passing the examination and nothing beyond that. In view of that, it cannot be said that the said date can be considered for seniority. For illustration purpose, if 10 persons appear for examination, then, all 10 would be deemed to have passed the examination on the day of last paper of the said examination. The seniority will have to be decided from amongst the said persons on the basis of the marks obtained and other aspects.

3. The Government Resolution dated 31st March 2021 applies to only departmental examination conducted for the purposes of confirmation in service or for acquiring eligibility for promotion. It has no application for competitive selection for 25% quota for promotion.

4. In view of the above, we do not find any merit in the writ petition. The same is dismissed. No costs.

SALUNKE
J V

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by SALUNKE J V
Date: 2023.02.17
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(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)