



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1307 OF 2023

(Vinod Premchand Nirakhe & Ors. Vs. The State of Maharashtra & Ors.)

WITH WRIT PETITION NO. 2415 OF 2023

(Anil Haribhau Mudholkar & Ors. Vs. The State of Maharashtra & Ors.)

WITH WRIT PETITION NO. 2424 OF 2023

(Sham Somdatta Pherawani & Ors. Vs. The State of Maharashtra & Ors.)

WITH WRIT PETITION NO. 5185 OF 2023

(Prafulla Purushottam Jaipurkar Vs. The State of Maharashtra & Ors.)

WITH WRIT PETITION NO. 5200 OF 2023

(Sanjay Mahadeorao Warankar & Ors. Vs. The State of Maharashtra & Ors.)

WITH WRIT PETITION NO. 5952 OF 2023

(Rajendra Namdeorao Humane & Ors. Vs. The State of Maharashtra & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri A.B. Gaikwad – Patil, Counsel for the petitioners.

Shri A.A. Madiwale, Assistant Government Pleader for the respondent/State.

Ms Vaishali Khadekar, Counsel for respondent no.4 in WP Nos. 1307/2023 and 5185/2023.

Shri D.M. Kale, Counsel for respondent no.4 in WP Nos. 2415/2023, 2424/2023 and 5200/2023.

Shri J.K. Matala h/f Shri A.Y. Kapgate, Counsel for respondent no.4 in WP No. 5952/2023.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : OCTOBER 25, 2023

Rule. Rule made returnable forthwith and heard the learned Counsel for the parties.

2] Each petitioner who came to be appointed as Junior Engineer with the respective Zilla Parishads seek benefit of Assured Career Progression Scheme. Such benefit is sought not from the date of upgradation as Sectional Engineer but on completion of twelve years service in accordance with the said Scheme. Our attention is invited to the judgment passed by a Co-ordinate Bench of this Court in *Vijaykumar Manoharrao Nomulwar & Ors. Vs. The State of Maharashtra & Ors.* [Writ Petition No. 1907/2022 decided on 20/4/2023] with other connected Writ Petitions. In the said Writ Petitions, a direction has been issued to Zilla Parishads to consider the case of each petitioner in accordance with the judgment of this Court in *Association of the Sub-Ordinate, Kolhapur Vs. State of Maharashtra* [Writ Petition No. 2605/2017 decided on 6/2/2019] and that the

upgradation under the Government Resolution dated 16/4/1984 cannot be treated as the first benefit within the meaning of Clause2(b)(3) of the Government Resolution dated 1/4/2010. The learned Counsel for the petitioners also seeks to rely upon the decision in *Suhas s/o Prabhakar Rao Dharasurkar & Ors. Vs. The State of Maharashtra & Ors. [Writ Petition No. 8009/2021 decided on 2/8/2022]* at the Aurangabad Bench with other connected Writ Petitions.

3] Considering the fact that there are various petitioners and that Zilla Parishads would be required to examine the case of each petitioner individually, the following order would serve the ends of justice :

ORDER

The Zilla Parishads shall examine the case of each petitioner seeking entitlement to benefit under the Assured Career Progression Scheme from the date of appointment as Junior Engineer in accordance with the decisions in *Association of the Sub-Ordinate, Kolhapur (supra)* and *Suhas s/o Prabhakar Rao Dharasurkar & Ors. (supra)*. The observations made in the decision in *Suhas s/o Prabhakar Rao Dharasurkar & Ors. (supra)* shall be taken into consideration by the Zilla Parishads. Necessary exercise be completed within a period of four months from today. If the petitioners are found entitled for such benefit, the same shall be extended in accordance with law. It is clarified that if Zilla Parishads find any particular petitioner not entitled for such benefit, the aggrieved petitioner is free to challenge that decision in accordance with law.

4] Rule is made absolute in the aforesaid terms with no order as to costs.

(ABHAY J. MANTRI, J.)

(A. S. CHANDURKAR, J.)

SUMIT