

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

WRIT PETITION NO.8115 OF 2022

Smt. Aarti w/o Gajanan Rajmane,
Aged about 52 years, Occu. Service,
R/o Civil Colony, Deulgaonraja,
Dist. Buldhana. **PETITIONER**

...V E R S U S...

1. Municipal Council, Deulgaonraja,
through its Chief Officer,
District-Buldhana.
2. The District Collector,
Buldhana.
3. District Promotion Committee,
through its Chairman-cum-District
Administrator Officer, Collector Office,
Buldhana.
4. Kartarsingh Motisingh Naikda,
Aged about 40 years,
Occu. Service, R/o Near Khandoba
Hills, Chikhali Road,
Deulgaonraja, Dist. Buldhana. **RESPONDENTS**

Mr. P. B. Patil, Advocate for Petitioner.
Mr. D. M. Kale, Advocate for Respondent 1.
Mr. M. K. Pathan, AGP for Respondents 2 and 3/State.
Mr. A. M. Jaltare, Advocate for Respondent 4.

CORAM: **ROHIT B. DEO AND M. W. CHANDWANI, JJ.**
DATE: **19th JULY, 2023.**

ORAL JUDGMENT: (PER ROHIT B. DEO, J.)

Heard. Rule. Rule made returnable forthwith by consent of the learned counsels for the parties.

2. The petitioner was appointed as the Head Master of Municipal Council Primary School-1, Deulgaonraja.

3. However, the appointment/promotion of the petitioner was cancelled by the Chief Officer of the Municipal Council in view of the decision of the District Collector, Buldhana and R-3 – Promotion Committee to grant promotion to R-4 – Kartarsingh Motisingh Naikda.

4. We are not required to consider the broader question whether R-4 – Kartarsingh Naikda who claims to be belonging to the Naikda Scheduled Tribe is entitled to the benefit of reservation.

5. We note that in the affidavit in response filed on behalf of R-1, there is a preliminary objection that the petitioner can avail the remedy of revision under Section 318 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Township Act, 1965.

6. In view of the objection raised, the learned counsel for the petitioner Mr. Patil seeks leave to withdraw the petition with liberty to prefer revision.

7. We allow the petitioner to withdraw the petition with liberty as prayed.

8. All contentions are kept open.

9. The interim order dated 16.12.2022 shall continue to operate for three weeks to enable the petitioner to prefer the revision and seek interim relief therein.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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