



(1)

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

44 WRIT PETITION NO. 3593 OF 2024

NILESH SHIVNATH KSHIRSAGAR

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

....

Mr A. G. Ambetkar, Advocate for Petitioner;

Mr A. A. A. Khan, A.G.P. for Respondent Nos.1 to 3

Ms N. V. Mirajkar, Advocate h/f Ms M. V. Narwade, Advocate for
Respondent Nos.4 & 5

CORAM : RAVINDRA V. GHUGE

AND

R. M. JOSHI, JJ.

DATE : 8th April, 2024

PER COURT:

1. It is not the case of the Petitioner that the promotion process for the promotion to the post of 'Extension Officer (Education)' Grade-2, Class-3', with the Zilla Parishad Ahmednagar in Pathardi Taluka, has started.

2. The Petitioner claims that, he belongs to the 'Person with Disabilities' category. He is eligible for an appointment. There is a vacancy available.

(2)

3. A Writ of Mandamus can not be issued in favour of the Petitioner for directing promotion to a particular post, merely because a post is vacant. If the process for issuing promotional orders after following the due procedure laid down, has started, and if the Petitioner is not considered, though eligible, the Petitioner can have a cause of action.

4. Needless to state, as and when such promotion process starts, and if the law of reservation for 'Persons with Disabilities' is applicable to the said post, such person would naturally be considered by the Respondent/Zilla Parishad, and if the Petitioner's candidature is not considered, provided he is eligible, he will have a cause of action.

5. With the above observations, **this Writ Petition is disposed off.**

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

sjk