



(1)

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

WRIT PETITION NO. 6456 OF 2024

**SHIVAJI MALHARI WARKAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS CHIEF
SECRETARY AND OTHERS**

....

Mr C. R. Thorat, Advocate for Petitioner;
Mr N. S. Tekale, A.G.P. for Respondent Nos.1 & 2
Mr S. B. Pulkundwar, Advocate for Respondent No.3

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

DATE : 2nd July, 2024

PER COURT:

1. The Petitioner has put forth prayer clauses (A) and (B), as under :-

“A. By issuing Writ of Mandamus or any other appropriate Writ or direction in the like nature be please to direct the respondent No. 1 and 2 to consider the claim of the petitioner for promotion on the post of Sub Divisional Engineer from the post of District Technical Service Class III as per the seniority List dated 30/04/2024.

B. Be pleased to direct the respondent no. 1 and 2 not to deny the promotion to the petitioner on the post of Sub Divisional Engineer from the post of District Technical Service Class III as per the seniority List dated 30/04/2024 without insisting from passing of the Professional

(2)

Examination as the petitioner possesses the Professional Qualification.”

2. The Petitioner submits that, a representation in tune with the prayers put forth, dated 10/05/2024, will have to be decided by Respondent No.1/Chief Secretary, Rural Development Department, Mumbai. He further submits that the representation will have to be considered in the light of the conclusion of this Court vide the judgment dated 15/04/2014, passed in Writ Petition No.1481/2014 (Dinesh Shivram Patil and Another Vs. State of Maharashtra and others).

3. In view of the above, **this Writ Petition is disposed off**, with a direction to Respondent No.1 to deal with the representation of the Petitioner, on it's own merits and in the light of the judgment dated 15/04/2014, passed by this Court in Writ Petition No.1481/2024 (Dinesh Shivram Patil and Another Vs. State of Maharashtra and others). Let this exercise be completed within a period of 45 days.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)