

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12239 OF 2024

Kashinath Nivruti Waghmare

VERSUS

The State Of Maharashtra Through Secretary And Others

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Advocate for the Petitioner : Mr. Pawar Ajay D.

AGP for Respondent/State : Mr. S.P. Joshi

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CORAM : S.G. MEHARE AND
SHAILESH P. BRAHME, JJ.

DATED : NOVEMBER 14, 2024

PER COURT:-

1. Heard learned counsel for the petitioner.
2. Issue notice to the respondents.
3. Learned AGP waives service of notice for respondent nos.1 to 4. As Respondent no. 5 being formal party, no notice is issued to him.
4. The petitioner claims the benefits of time bound promotion/ACPS as he has completed 12 years of qualifying service. His proposal was rejected by respondent no.4/authority on 05.03.2024.
5. Learned counsel for the petitioner seeks reliance on the judgment rendered at the Principal Seat in the matter of Kiran Namdeo Shinde and Ors Vs. State of Maharashtra in Writ Petition No.2358 of 2013 dated 21.09.2013. He would submit that a

consistent view has been taken following the judgment (*supra*) and the orders passed following the said judgment has also been annexed to the said petition.

6. Learned AGP would submit that the authority would consider the individual proposal in view of the government policies.

7. As the issue involved in this petition is no more *res integra* and the proposal is rejected in a cryptic manner without assigning the reasons and without having been conducted the objective scrutiny, we find it appropriate to relegate the matter to respondent no.4 for considering it afresh.

8. Writ Petition is partly allowed.

9. The communication dated 05.03.2024 passed by the respondent no.4 is quashed and set aside. Respondent no.4 shall consider the proposal of the petitioner for the benefit of ACPS on its merit in view of the Government Resolution dated 30.04.1998 as well as the law laid down in Writ Petition No.2358 of 2013 within four weeks from today.

(SHAILESH P. BRAHME, J.)

(S.G. MEHARE, J.)