



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

WRIT PETITION NO.1659 OF 2023

[Santosh Jayram Ghuge .Vs. The State of Maharashtra and Ors.]

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

Court's or Judge's order

Mr A. B. Patil, Advocate for Petitioner.
Mr A. M. Joshi, AGP for Respondent Nos.1 and 2.
Mr M. A. Sable, Advocate for Respondent No.3.
Mr A. Parchure, Advocate for Respondent Nos.4 and 5.

CORAM : **AVINASH G. GHAROTE AND**
SMT. M. S. JAWALKAR, JJ.

DATE : **8th FEBRUARY, 2024.**

. Heard.

2. It is contended that on account of the petitioner having joined services prior to 25.5.2004, the seniority of the petitioner, will have to be calculated in terms of Clause 3(a) of the GR dated 07.05.2021 (Page 50). As against which, the reply of the State from its affidavit dated 31.12.2023 (Page 112) indicates that the DPC has considered the petitioner illegible for further promotion, in view of Clause 3(b) of the GR dated 07.05.2021, which is applicable to persons who have joined services subsequent to 25.05.2004.

3. It is therefore apparent, while calculating the seniority of the petitioner an incorrect provision has been applied, considering which the respondent No.2 will have to refer the matter to the DPC to decide the claim of the petitioner, in terms of Clause 3(a) of the GR dated

07.05.2021, as the petitioner was already in Government service on 25.05.2004.

4. In case the DPC finds, that the petitioner stands earlier in point of seniority than the respondents, all consequent actions shall follow.

5. The petition is, accordingly, disposed of in above terms.

(M. S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)