



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

WRIT PETITION NO.3291 OF 2022

Lotan s/o.Shrawan Thakur,
Age-59 years, Occu. Pensioner,
R/o. Gat No. 188, Block No. 17,
Central Bank Colony, Pimprala,
Jalgaon, Tq. & Dist. Jalgaon. .. **PETITIONER**

VERSUS

1. The State of Maharashtra,
Through : The Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The Divisional Commissioner,
Nashik Division, Nashik.
3. The Chief Executive Officer,
Zilla Parishad, Jalgaon.
4. The Chief Account & Finance Officer,
Zilla Parishad, Jalgaon. .. **RESPONDENTS**

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Mr.D.B.Shinde, Advocate for the petitioner.
Mr.S.R.Wakale, AGP for the respondent-State
Mr.G.D.Jain, Advocate holding for Mr.M.S.Sonawane,
Advocate for respondent nos.3 and 4.

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**CORAM : ALOK ARADHE, CJ. &
ARUN R. PEDNEKER, J.**

DATE : MARCH 21, 2025

ORDER : [Per : Arun R. Pedneker, J.]

1. Heard the learned counsel for the petitioner, learned APP for the respondent-State and learned counsel for the respondent nos.3 and 4.

2. By the present petition, the petitioner challenges the impugned letter dated 30.09.2021 issued by the respondent no.3 [Chief Executive Officer, Zilla Parishad, Jalgaon], thereby the representation made by the petitioner seeking deemed promotion from the year 2009 has been declined in view of the Government Resolution dated 07.12.2006.

3. The learned counsel for the petitioner submits that the petitioner was appointed as Junior Assistant [Ministry] on the establishment of Zilla Parishad, Jalgaon by order dated 03.05.1990. The petitioner was appointed from the scheduled tribe category and is entitled for all benefits of reservation of the said category. He further submits that in the year 2003, the petitioner applied for verification of his caste certificate to the Caste Scrutiny committee. He further submits that in the year 2009, the petitioner became eligible for promotion, however, on account of non-submission of caste validity certificate, he was not granted promotion in view of the Government Resolution dated 07.12.2006 which mandates the

production of caste validity certificate for granting promotion. In the year 2012, the petitioner applied for promotion from Open Category and the same was granted to him. In the year 2020, the petitioner's caste validity came to be validated by the Scrutiny Committee. Thereafter, the petitioner made a representation to the Chief Executive Officer, Zilla Parishad, seeking deemed promotion from the year 2009 from the scheduled tribe category. As the representation was declined by the impugned letter, the petitioner filed the present writ petition.

4. The learned counsel for the petitioner further submits that the petitioner submitted a proposal for verification of tribe claim in the year 2003 and the same was validated by the Scrutiny Committee after a long period of time. The learned counsel further submits that as the petitioner had submitted proposal well within time, the petitioner became entitled for promotion from scheduled tribe category in the year 2009.

5. Having considered submissions, it is to be noted that the Government Resolution dated 07.12.2006 clearly mentions that for the purpose of promotion, the candidate has to submit his caste validity certificate. The petitioner is appointed in the year 1990 and the petitioner submitted proposal for verification of tribe claim in the year 2003. The petitioner did not possess caste validity certificate in

the year 2009 and as such in view of the Government Resolution dated 07.12.2006, the petitioner was not entitled for promotion in the year 2009, so also, the petitioner has not challenged the Government Resolution dated 07.12.2006. Considering the said fact, we do not see any error in the impugned order passed by the Chief Executive Officer, Zilla Parishad, Jalgaon. Hence, the present Writ Petition is dismissed.

(ARUN R. PEDNEKER, J.)

(CHIEF JUSTICE)

DDC