



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5133 OF 2023

SONYABAPU S/O GENU BACHKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Gaurav L. Deshpande
Addl.G.P. for Respondent/State : Mr. M.M. Nerlikar

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.
DATE : 01.04.2025

PER COURT :

Heard.

2. The petitioner is coming with following prayers:

“B. The respondents may kindly be direct to implement the report and the conclusions there in dated 31.08.2018.

C. It be declared that the act of respondent denying promotion to the petitioner being not entitled to seek promotion on the basis of the government resolution/notification dated 06.06.2017 as the same has been clarified in the notification dated 11.06.2019.

D. The respondents may kindly be directed to consider the promotion of the petitioner in respect of the notification issued by the Government of Maharashtra dated 11.06.2019.”

3. We have heard the learned advocate for the petitioner. Admittedly, the petitioner is before the Administrative Tribunal questioning the order of his demotion from class-III to class-IV post.

4. Prayer clause ‘B’ seeking a writ against the respondents for taking appropriate steps pursuant to the communication dated 31.08.2018. It is evident that after the petitioner was demoted and after he filed the original application before the Tribunal, pursuant to his grievance, parallelly some

enquiry was undertaken. It was *inter alia* held that though there was no illegality in the order of reversion, attributing lapses on the part of some employees in their failure to undertake necessary exercise for finalizing the roster and failure to undertake recruitment of five posts of junior clerks by way of direct recruitment. It was further held that had that happened the petitioner could have been promoted. Meaning thereby that circuitously the petitioner is trying to substantiate his challenge to the order of demotion on the basis of this report.

5. By way of prayer clause 'C' he is challenging the decision, holding him not entitled to promotion, which again would be like asking for the same declaration and for undertaking an enquiry touching the merit of the order of his demotion.

6. By way of prayer clause 'D' he is seeking direction for his consideration for promotion in light of the notification dated 11.06.2019. If the petitioner is already before the Tribunal questioning the order of his demotion, this prayer would be incompatible.

7. The writ petition is dismissed.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

mkd/-