

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4014 OF 2025

Shri Abhiman Bhosale,
Age 43 Years, Residing at -Sr. No. 2/8,
Darshan Height, 4th Floor, Flat No.22,
Punawale, Opp. G.T.Mangaldhara Project,
Chinchwad, Pune 411 033. ... Petitioner

Versus

1. State of Maharashtra,
Through its Principal Secretary,
Urban Development Department
Having its office at Mantralaya Mumbai
2. Pimpri Chinchwad Municipal Corporation
Through its Municipal Commissioner,
Having its office at 4th Floor,
PCMC Administrative Building,
Old Mumbai- Pune Road,
Opp. Jinjar Hotel, Pimpri Pune 411 018
3. Municipal Commissioner,
Having its office at 4th Floor,
PCMC Administrative Building,
Old Mumbai – Pune Road,
Opp. Jinjar Hotel, Pimpri Pune 411018
4. Deputy Commissioner,
Having its office at 4th Floor,
PCMC Administrative Building,
Old Mumbai- Pune Road,
Opp. Jinjar Hotel, Pimpri Pune 411 018 ... Respondents

Mr.Nitin Kulkarni for the Petitioner.
Mr.P.P.Kakade, Addl.GP with Mr.S.B.Kalel, AGP for Respondent
No.1, State.
Mr.Kedar Dighe for Respondent Nos. 2 to 4- PCMC.

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 24TH MARCH, 2025

ORAL JUDGMENT (Per : Ravindra V. Ghuge, J.)

1. **Rule.** Rule made returnable forthwith and heard finally with the consent of the parties.

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

“(A) This Hon'ble High Court may be pleased to call for the record and the proceedings from the file of the Respondent No. 2 and after going through the legality and propriety the Order dated 04/02/2005 by which the Petitioner was denied the promotion may please be quashed and set aside.

(B) This Hon'ble High Court may be pleased to direct the Respondent No. 2 to promote the Petitioner as an Executive Engineer (Urban Mobility Department) w.e.f. 04/02/2025 and the Respondent No. 2 may be directed to give all consequential benefits to the Petitioner as if he would have been promoted w.e.f. 04/02/2025”.

3. In paragraph (8) of the pleadings, the Petitioner has averred that, *“The Petitioner says and submits that, on 12/02/2024 the Petitioner came to know that MERI Nashik is going to conduct the Examination. Thus the Petitioner has applied for the said*

Examination but still the program is not fixed by the MERI Nashik”.

4. In the Government Resolution dated 15th October, 2024, the Urban Development Department, Government of Maharashtra created the post of Executive Engineer, Urban Mobility Department. The total number of posts were two. By a Circular dated 4th February, 2025 issued by Respondent Nos. 2 to 4, Municipal Corporation, it is indicated that out of the two sanctioned posts, one post has already been filled in by following the due procedure.

5. In the affidavit-in-reply, dated 21st March, 2025, the Municipal Corporation has set out in paragraph Nos. 17, 18 and 19, as under :

“17. I further state that the Respondent Corporation is dependent on MERI for conducting the departmental exams and it cannot conduct the exams on its own. It is necessary that the said exams are conducted by competent and independent body.

18. I say that Petitioner has candidly stated in his petition para 8 page 10 that he is ready and willing to undergo the departmental exams. I say that as stated herein above one post is kept vacant and if the Petitioner clears the said Departmental Exam he shall be duly considered for the said post subject to seniority and other applicable rules prevailing as on the date of consideration.

19. I say that the process of conducting departmental exam is underway and soon META-Nasik shall be conducting the exams for PCMC employees.”

6. The learned Advocate for Respondent Nos. 2 to 4 Municipal Corporation clarifies that earlier the department conducting the exam was known as Maharashtra Engineering Research Institute (MERI) and now it is known as Maharashtra Engineering Training Academy (META). He further submits that the Petitioner has himself applied for admission to META, has been inducted in the training programme and after the training programme is concluded, he would be appearing for the first exam scheduled in April, 2025. Unfortunately, if he fails in the said exam, he can once again appear in the next exam which is scheduled to be held prior to 31st May, 2025. He further submits, on oral instructions from Mr. Vitthal B. Joshi, Deputy Commissioner, General Administration Department, who has filed the affidavit-in-reply, that if the Petitioner passes the examination, the Department Promotional Committee would be meeting for considering the claim of the Petitioner by following the due procedure and his candidature for promotion would be considered on its merits.

7. The learned Advocate for the Petitioner submits that since the Petitioner is taking his chance by undergoing training and appearing for the exam, this Petition may be disposed off.

8. In view of the above statements made vide the affidavit-in-reply, by the Municipal Corporation, **this Writ Petition is disposed off.**

9. Rule is discharged accordingly.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)