

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6964 OF 2025

Sunil Lahu Tarmale & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. Sandesh Deshpande, Advocate for Petitioner.

Mr. P.P. Kakade, Addl. G.P. a/w. Ms. P.N. Diwan, AGP for Respondent/State.

Ms. Pooja Malik i/b. Mr. Narayan Bubna, Advocate for Respondent Nos. 3 to 5.

Mr. S.C. Wakankar a/w. Ms. Aishwarya Bapat, Advocate for Respondent No. 6.

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

DATE : 12th NOVEMBER, 2025

P.C. :

1. On 8th September, 2025 we have passed the following order :

“1. Leave to correct the description of Respondent No.2, for adding the person to whom the notice of the Court should be served. Correction be carried out forthwith.

2. Issue notice to the Respondents, returnable on 13th October, 2025.

3. We have perused the purported order passed

by Respondent No.2 here in, on 18th February, 2025, by which Respondent No.6 is directed to be promoted as Administrative Officer, Class-II with the Respondent No.3, Corporation. Prima facie, the said order appears to be without jurisdiction. The learned Advocate for the Petitioner submits that Respondent No.6 has been given the benefit of the impugned order.

4. As such, until further orders, though Respondent No.6 has been promoted in the light of the impugned order, the said promotion shall not be formalized, without the leave of the Court.

5. All office objections to be removed on or before 25th September, 2025, failing which, the Petition would stand dismissed without reference to the Court, on 26th September, 2025.”

2. Despite service of notice on Respondent No. 2, no appearance has been entered, either by a lawyer or by any representative of Respondent No. 2.

3. We have perused the affidavit in reply filed by the Deputy Commissioner, Bhiwandi Nizampur City Municipal Corporation dated 23/9/2025. It is canvassed that the Departmental Promotion Committee (for short “DPC”) Meeting held on 27/5/2025 has found Respondent No. 6 to be eligible for promotion for the post of an Administrative Officer, Class II in Respondent No. 3 Corporation. Hence, the decision has been taken after verification of the records.

4. Our attention is drawn by the Petitioner to the Minutes of the Meeting dated 27/5/2025, more particularly, page No. 185 of the Petition paper book, wherein it is recorded that Respondent No. 6 is directed to be promoted by the Commission. It is also recorded that the entire file of the candidate is not produced before the DPC.

5. The learned Advocate representing Respondent No. 6 draws our attention to the affidavit in reply dated 22/9/2025. He points out a document at page No. 67 which indicates that while granting promotion, the Corporation has to assess whether the candidate is senior and has merit and has been a Head Master for 3 years. So also, since the Corporation has schools in Marathi, Hindi, Telugu and Urdu languages, the first preference is to be given to the Head Master who is senior most from the Marathi medium. Respondent No. 6 falls in the said category.

6. At this juncture, the learned Advocate for the Petitioner submits that he has a remedy to challenge the promotion of Respondent No. 6. He intends to file a petition for challenging the promotion of Respondent No. 6. This Petition is restricted only to the extent of the order of the Commission by which Respondent No. 6 has been directed to be promoted.

7. The learned Additional Government Pleader submits on the basis of the record and the legal position that there is no provision by which the Chairman of the Commission can be said to be empowered to direct any State Instrumentality or a Statutory Authority or a Local Body to grant promotion to a particular candidate and report compliance.

8. In view of the above, this **Petition is partly allowed**. The impugned order passed by the Chairman of the Respondent No. 2 Commission directing the Corporation to promote Respondent No. 6 and report compliance, is quashed and set aside.

9. We make it clear that we have not dealt with the merits of the decision of the Corporation in granting promotion to Respondent No. 6 vide order dated 11/6/2025, since the same has not been challenged before us. In the event, the Petitioner poses a challenge to the said order, all contentions of all the parties are kept open.

10. The **Petition is disposed off**, accordingly.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)