

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12046 OF 2025

Ajay Dattatraya Wayase ...Petitioner
Versus
Pune Municipal Corporation & Ors. ...Respondents

WITH
WRIT PETITION NO. 12277 OF 2025

Sunil Zunzar Yadav & Ors. ...Petitioners
Versus
Pune Municipal Corporation & Ors. ...Respondents

Mr. A.V. Anturkar, Senior Advocate i/by Mr. Sugandh Deshmukh,
Advocate for the Petitioners.

Mr. Sumant Deshpande, Advocate for Respondent Nos.4 to 8 in
WP/12046/2025.

Mr. Anil Sakhare a/w Mr. Sumant Deshpande, Advocate for
Respondent Nos.3 to 6 in WP/12277/2025.

Mr. P.P. Kakade, Addl. G.P. a/w Ms. Priyanka Chavan, AGP for the
Respondent/State in WP/12046/2025.

Ms. N.M. Mehra, AGP for the Respondent/State in WP/12277/2025.

Mr. Abhijit P. Kulkarni a/w Mr. Gaurav Shahane, Ms. Sweta Shah,
Advocate for Respondent Nos.1 & 2/PMC in WP/12046/2025.

Mr. Akshay Naidu i/by Mr. Vishwanath Patil, Advocate for
Respondent Nos.1 & 2/PMC in WP/12277/2025.

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

DATE : 11th NOVEMBER, 2025

P.C. :-

1. In both these Petitions, we had passed an order on 24th September, 2025, which as reads under :-

*1. **Issue notice** to Respondents, returnable on 9th October, 2025.*

2. The learned counsel for the Municipal Corporation and the AGP for the State, waive service of notice on behalf of the Corporation and the State, respectively.

3. We have perused our earlier order dated 17/10/2024, passed in Writ Petition No.14088 of 2024, filed by Petitioner in the First Petition namely, Ajay Dattraya Wayase. We had categorically directed the Corporation to decide the representation of the Petitioner and if an adverse order was to be passed, the same would not be implemented for two weeks.

4. The learned Advocate for the Petitioner submits that the said order has been flouted by the Commissioner of the Municipal Corporation and promotions were affected. Having said that, we would now look into the situation as to whether the Commissioner has flouted our order and if we find that it has so happened, we would not hesitate to initiate contempt of Court proceedings against the concerned Commissioner.

5. In the present case, the Petitioner is again before us, along with other Petitioners on the same ground that though they are seniors in the final seniority list with the cut-off date 01/01/2024, the Private Respondents, who are at Serial Nos.20, 23, 24, and 26 to 29, who are much below Ajay Dattraya Wayse, are being considered for promotion to the post of Superintending Engineer.

6. These promotions are to be made from the feeder cadre. Seniority cannot be ignored. The Corporation

needs to justify by filing an affidavit as to whether there are any such circumstances, which would legally justify the act of ignoring the Petitioner and entertaining juniors from the same feeder cadre, while considering the promotion exercise for filling up the post of Superintending Engineer.

7. Considering the above and the order dated 17/10/2024, passed by this Court in Writ Petition No. 14088 of 2024, though protection was granted to the Petitioner, it is contended that the Commissioner bypassed our order. Therefore, for the posts on which these Petitioners are seeking to right to be considered, the Corporation shall not initiate the promotional process without the leave of this Court.”

2. The learned Advocate representing the Corporation has received a communication dated 10th November, 2025, under the signature of Mr. Vijaykumar Thorat, Deputy Commissioner (General Administration), Pune Municipal Corporation, informing him that the Departmental Promotion Committee (**‘DPC’**), which was supposed to consider the representation of the Petitioner, in the first Petition and which was dealt with by one member of the DPC, would be reconsidered by the DPC. In short, the decision taken by one member of the DPC on the representation of the first Petitioner, would be recalled. The Petitioner can appear before the DPC on 13th November, 2025 and he would be heard by the DPC which would pass a reasoned order.

3. We find that the Petitioners in the second Petition before us are identically placed as like the first Petitioner. The only difference is that they have not made a representation as like the Petitioner in the first Petition. This Court had drawn a conclusion vide order dated 17th October 2024, passed in Writ Petition No.14088 of 2024, that the Corporation was to decide the representation of the said Petitioner, who is the Petitioner in the first Petition before us. If an adverse order is passed, the same would not be implemented for two weeks. The said view would apply to the Petitioners in the second Petition before us.

4. To balance the equities, we deem it appropriate to permit the Petitioners in the second Petition to file a representation raising grounds with regard to the select list, to the Chairman of the DPC, by tomorrow i.e. 12th November, 2025 at 2:00 p.m. As like the Petitioner in the first Petition namely, Ajay Dattatraya Wayase, the DPC would consider the representations of each of these Petitioners and deal with every issue raised. A reasoned order should be passed. If an adverse order is passed, the same would not be implemented for two weeks.

5. At this juncture, the learned Advocate for the Private Respondent Nos.4 to 8 in the first Petition and the learned Senior Advocate representing the Private Respondent Nos.3 to 6 in the second Petition, jointly submit that they are also identically placed as like these Petitioners. They would also tender their representations by tomorrow i.e. 12th November, 2025 at 2:00 p.m. to the same Authority.

6. We, therefore, direct that all these persons, who tender their representations prior to 2:00 p.m. on 12th November, 2025, would be heard by the DPC on 13th November, 2025, which is the scheduled date, as per the time scheduled for 13th November, 2025, and the directions set out herein above would equally apply to their cases also.

7. In view of the above, undisputedly, the impugned order passed by the single Officer of the DPC, would stand withdrawn.

8. With the above directions, both these **Writ Petitions are disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)