

**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
(Sr. No. 934) WRIT PETITION NO. 12277 OF 2025**

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

Mr. Sugandh Deshmukh a/w Mr. Aniket Kanawade, Mr. I. D'souza, Mr. Vaibhav T., Mr. Aryan Deshmukh, Mr. Bhushan Deshmukh, Advocates for the Petitioner in both Writ Petitions.

Mr. A. I. Patel, Addl. GP a/w Mr. Karan Thorat, AGP for Respondent No.3

Mr. Sumant Deshpande, Advocate for Respondent Nos. 4 to 8. State.

Mr. Vishwanath Patil a/w Mr. Akshay Naidu, Advocate for Respondent – Corporation (PMC) in WP No. 12277 of 2025.

Mr. Abhijit Kulkarni a/w G. Shahane, Ms. Sweta Shah, Advocate for Respondent Nos.1 & 2 (PMC) in WP No. 12046 of 2025.

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

DATE : 24th SEPTEMBER, 2025

P.C. :

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 the 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 a right to be considered, the Corporation shall not initiate the promotional process without the leave of this Court.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)