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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1343 OF 2026

Vyankat Sopan Koli,
Age: 56 years, Occu.: Service as Head-Master,
R/o. Zilla Parishad Primary School,
Pangardarwadi, Tq. Tuljapur
Dist. Dharashiv.

... Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development and Panchayat
Raj Department, Mantralaya, Mumbai.
2. The Chief Executive Officer,
Zilla Parishad, Dharashiv.
3. The Education Officer (Secondary)
Zilla Parishad, Dharashiv.
4. The Block Education Officer,
Panchayat Samiti, Tuljapur,
Dist. Dharashiv.

... Respondents

.....
Mr. S.N. Rodge, Advocate for Petitioner
Mr. Abhijit M. Phule, AGP for Respondents Nos.
.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATED : 05 FEBRUARY, 2025

ORDER [Per Hiten S. Venegavkar, J.] :-

1. This petition under Article 226 of the Constitution of India takes exception to the communication dated 27.05.2025 issued by respondent

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No. 3 – the Education Officer (Secondary), Zilla Parishad, Dharashiv, addressed to Respondent No. 4 – the Block Education Officer, Panchayat Samiti, Tuljapur, whereby the representation of the petitioner dated 17th March 2025 came to be rejected. By the said representation, the petitioner had sought consideration of a deemed date of promotion to the post of Headmaster from the year 1997, placing reliance upon the Government Circular dated 06.06.2002 issued by the General Administration Department, Mantralaya.

2. The case of the petitioner, as unfolded in the pleadings, is that he was selected by the Selection Committee constituted under the Member Secretary of the Aurangabad Region Secondary Services by following due procedure on 09.03.1992. Pursuant thereto, an appointment order was issued to him on 16.06.1992 appointing him as an Assistant Teacher against a clear and vacant post. The petitioner joined his duties at Nandurga Primary School, Taluka, and District Osmanabad (now Dharashiv), and continued in service. It is the further case of the petitioner that by a letter dated 03.09.1997, the respondents called upon him to exercise an option as to whether he intended to accept promotion by seniority to the post of Headmaster. According to the petitioner, the said letter was never served upon him within time and, therefore, he could not submit his option or consent. The petitioner

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contends that as per the contents of the said communication, in the event the option was not submitted within the stipulated time, it would be treated as consent for promotion. It is his grievance that the Divisional Promotion Committee, which met on 04.10.1997 for granting promotion to the post of Headmaster on the basis of seniority, did not consider his case. Promotion orders dated 15.10.1997 were issued in favour of certain Assistant Teachers who, according to the petitioner, were junior to him in the seniority list and allegedly did not possess the requisite qualifications for promotion to the post of Headmaster. The petitioner asserts that he was thus unlawfully deprived of his legitimate claim for promotion. The petitioner further states that from time to time he requested the respondent authorities to consider his case for promotion based on his seniority and eligibility. It is his case that on 27.08.2008 he preferred a written application raising his claim for promotion on the ground of seniority and requisite qualifications. Subsequently, pursuant to the proceedings of the Divisional Promotion Committee, the respondents issued an order dated 03.10.2011 granting him promotion by seniority and conferring upon him the pay scale of Headmaster. However, according to the petitioner, he was accommodated as a Primary Graduate Social Science Teacher and was not actually appointed to the post of Headmaster at that stage, though he was extended the pay scale attached to the said post. The petitioner

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asserts that pursuant to the said order, he is presently working as Headmaster.

3. The core grievance of the petitioner is that as per the seniority list he was eligible and entitled to be promoted to the post of Headmaster in the year 1997 itself, but he was deprived of such promotion while his juniors were promoted. In that backdrop, the petitioner submitted a fresh application dated 17.03.2025 requesting Respondent No. 2 to consider granting him a deemed date of promotion as Headmaster from the year 1997, on the ground that he was senior and qualified, and that such benefit ought to be extended in view of the Government Circular dated 6th June 2002 issued by the General Administration Department. The said application was forwarded by respondent No. 4 to respondent No. 3 for decision. By the impugned communication dated 27.05.2025, the representation was rejected on the ground that the Government Circular dated 06.06.2002 was not applicable to the Education Department.

4. Learned counsel appearing for the petitioner submitted that the impugned decision is contrary to the Government Circular dated 06.06.2002, which, according to him, is applicable to the petitioner's case as it has been issued by the General Administration Department of the State Government. He contended that the petitioner was admittedly

senior in the seniority list and was fully qualified for promotion in 1997. Merely because the petitioner did not submit his option, he ought not to have been deprived of his legitimate claim for promotion based on seniority. It was further urged that the petitioner had been pursuing the matter with the authorities from time to time, including by filing a written application in the year 2008, but the respondents failed to take appropriate action. Learned counsel fairly submitted that actual promotion from 1997 may not now be feasible; however, the petitioner is at least entitled to a deemed date of promotion in his service record from 1997, as he was eligible and qualified at the relevant time.

5. Per contra, the learned Assistant Government Pleader appearing for the respondents contended that the Government Circular dated 06.06.2002 was issued by the General Administration Department and not by the Education Department, and therefore it has no application to employees of the Education Department or Zilla Parishad. It was further submitted that in 1997, when the petitioner was called upon to exercise his option for promotion by seniority, he failed to submit the same within time. Consequently, the Divisional Promotion Committee did not consider his case, and promotions were granted to others. It was urged that the petitioner never challenged the promotion orders of his juniors at the relevant time. The present petition, filed after nearly 27 years

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from the alleged cause of action, suffers from gross delay and laches and is devoid of merit.

6. We have heard the learned advocates for the parties at length. We have also perused the impugned communication and the representations submitted by the petitioner in the years 2008 and 2025. It is an admitted position that in 1997 the petitioner was offered promotion to the post of Headmaster on the basis of seniority and was required to submit his option within a stipulated period. The petitioner himself admits that he did not submit his option and consent within the prescribed time. Consequently, the Divisional Promotion Committee did not consider his case and promotions were granted to certain other employees. The contention of the petitioner that the letter dated 03.09.1997 was never served upon him raises a disputed question of fact. Such a contention, sought to be raised after nearly three decades, cannot be effectively adjudicated in writ jurisdiction. The petitioner did not challenge the promotion orders dated 15.10.1997 issued in favour of his juniors on the ground that he had been superseded though he was senior and eligible. There is nothing on record to show that he took any immediate steps in 1997 or soon thereafter to challenge his alleged supersession. The record indicates that except for an application in 2008 and thereafter in 2025, the petitioner did not pursue any

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sustained grievance regarding denial of promotion from 1997. If indeed the petitioner had a genuine and subsisting grievance that he was unlawfully deprived of promotion while his juniors were elevated, there is no plausible explanation as to why he remained silent for nearly three decades. The only inference that can reasonably be drawn from such conduct is that the petitioner acquiesced in the situation and slept over his alleged rights for an inordinate period.

7. The law is well settled that a writ court, exercising equitable jurisdiction under Article 226, will not grant relief in cases where the petitioner approaches the Court after gross delay and laches, particularly when third-party rights have intervened and promotions have long since been effected. The present claim pertains to the year 1997. To entertain such a claim at this stage would unsettle a settled position of service administration and open the floodgates for stale claims.

8. As regards the reliance placed by the petitioner upon the Government Circular dated 06.06.2002, we have perused the said circular, which is placed on record. It is issued by the General Administration Department for granting deemed dates of promotion to State Government employees in certain circumstances. The petitioner is an employee of a Zilla Parishad school. There is no material placed on

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record to demonstrate that employees of Zilla Parishad are to be treated at par with State Government employees for the purposes of the said circular. Nor is there any material to indicate that circulars issued by the General Administration Department automatically apply to the Education Department or to Zilla Parishads. In absence of any statutory provision or specific direction extending the applicability of the said circular to Zilla Parishad employees, the petitioner cannot claim its benefit as a matter of right. Furthermore, the nature of the relief sought, namely grant of a deemed date of promotion from 1997, is not supported by any provision of law or any circular issued by the Education Department governing the petitioner's service conditions. The claim is therefore not only barred by delay but is also devoid of legal foundation.

9. In view of the aforesaid discussion, we are of the considered opinion that the writ petition is liable to be dismissed both on the ground of gross delay and laches as well as on merits. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE