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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13029 OF 2026

Swapnil Subhash Kotharkar & Anr. ...Petitioners
Versus
The State Of Maharashtra Throu.
The Sec. Dept Of Rural Development & Ors. ...Respondents

Mr. Sanjeev B. Deore a/w Suchita J. Pawar, Arman Ansari, Shamshad Ali Hashmi i/b Aditya S. Deore for Petitioners.

Mr. M. P. Thakur for Respondent Nos.1 & 2.

Mr. Abhijeet V. Jangale for Respondent No.3.

CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.

DATE: 5th OCTOBER 2026

P.C.

1. This petition filed under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:

> "(a) This Hon'ble Court be pleased to exercise the jurisdiction vested in it under Art 226 of Constitution of India and issue a writ of mandamus or any other appropriate directions/writ/order whereby directing the Respondent No-2 and 3 to decide the representation dated 21.07.2025, 28.07.2025, 30.07.2026, 03.08.2026, 11.08.2026 and 20.08.2026 (**Ex-A**) preferred by the Petitioners.
>
> (b) This Hon'ble Court be pleased to exercise the jurisdiction vested in it under Art 226 of Constitution of India and issue a writ of mandamus or any other appropriate directions/writ/order whereby directing Respondent No-1 to 3 to give promotion to the Petitioners as senior clerk against the 03-post reserved for the EWS category.
>
> (c) Pending the hearing and final disposal of the said petition the Respondents be adhered/stopped from filling/Lapsing of the 03 post of EWS category **OR** the Respondent be directed to reserved 02 post of the senior Assistant (clerk) for which the Petitioners are claiming their promotion.
>
> (d) Interim/ad-interim relief be granted in terms of prayer clause- (C)"

Ajit Pathrikar

2. The case of the Petitioners is that the Petitioners need to be granted promotion, as clear from the prayers as made in the petition. It is a settled position of law that there is no right to seek any promotion. There is only a right to be considered for promotion.

3. In the event that the Petitioners are aggrieved if they are not considered for promotion, they are at liberty to file appropriate proceedings if so permitted in law. The present petition certainly premature. It is accordingly rejected, however, keeping open all contentions of the Petitioners on their contentions on promotion.

4. Disposed of. No costs.

(DR. NEELA GOKHALE, J.) (G. S. KULKARNI, J.)