



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1164 OF 2026

Yogita Rajesh Akkar

...Petitioner

V/s.

State of Maharashtra and Ors.

...Respondents

Mr. Anirudh Rote with *Mr. Ashish Jadhav i/b. Mr. Himanshu Patil and Mr. Sarnath Sonar for the Petitioner.*

Ms. Mamta S. Srivastava, *AGO for the Respondent -State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 12 JUNE 2026.

P.C.:

1) Petition challenges order dated 14 October 2025 passed by the Member, Industrial Court, Nashik, dismissing Complaint (ULP) No.44 of 2016. The Complaint was filed by the Petitioner alleging unfair labour practices contending that she was denied promotion to the post of Junior Engineer either from 29 February 2008 or 31 August 2012.

2) I have heard Mr. Rote, the learned counsel appearing for the Petitioner and Ms. Srivastava, the learned AGP appearing for the Respondent -State and have considered the submissions canvassed by

them. I have gone through the findings recorded by the Industrial Court in the impugned order and perused the records of the case filed alongwith the Petition.

3) No doubt, the Petitioner was able to demonstrate before the Industrial Court that she held the requisite eligibility criteria required for promoting her on the post of Junior Engineer. She had completed 3 years of continuous service on the post of Civil Engineer Assistant on 31 August 2012. Since she had already acquired qualification of Diploma in Civil Engineering on 20 February 2008, it was not necessary for her to demonstrate passing of necessary examination of the State Government. However, mere acquisition of eligibility for promotion to a post is a concept different than the concept of the employee becoming due for promotion as per seniority. In the present case, the Petitioner was unable to demonstrate before the Industrial Court that any of her juniors were promoted before her either in the year 2008 or 2012. The Tribunal has recorded a finding of fact that the moment vacancy became available for promotion of the Respondent, she was promoted on the post of Junior Engineer in the year 2019. Even before me, the Petitioner is unable to point out that any of her juniors were promoted before the year 2019. In that view of the matter, no infirmity can be traced in the impugned order of Industrial Court.

4) Writ Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]