



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3596/2025

- 1) Kapil S/o Sevanand Gopnarayan,
Aged 36 years, Occupation – Service,
R/o Anand Nagar, Hingna Fata,
Kaulkhed Road, District - Akola

... **PETITIONER**

...VERSUS...

- 1) State of Maharashtra, through its
Secretary for Rural Development
Department, Construction Building,
Marzban Road, Mumbai.
- 2) The Chief Executive Officer, Zilla
Parishad Akkola, Main Hospital Road,
Akola
- 3) The Deputy Chief Executive Officer,
Zilla Parishad Akkola, Main Hospital
Road, Akola

...**RESPONDENTS**

Mr. Parth Malviya, Advocate for the petitioner
Mr. H. D. Futane, AGP for the respondent /State
Ms. H. N. Jaipurkar h/f Ms. D. C. Pandey, Advocate for respondent no. 2

CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.

DATED : 05th FEBRUARY, 2026.

ORAL JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

Rule. Rule is made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

2. This is a petition challenging the communication dated 26.09.2022 issued by the respondent no. 1, thereby denying the petitioner's request for promotion to "Civil Engineer Assistant – Class III" despite the petitioner being educationally qualified. It is the submission of the petitioner that he has been singled out and the action of the respondents is in violation of Article 14 of the Constitution of India. The writ petition further prays for quashing the said communication issued by the respondent no. 1.

3. We have heard Mr. Parth Malviya, learned counsel for the petitioner, as also Mr. H. D. Futane, learned AGP appearing for the respondent no. 1/State, Ms. H. N. Jaipurkar h/f Ms. D. C. Pandey, counsel for the respondent no. 2 and none present for the respondent no. 3.

4. After going through the matter and hearing the parties for some time, Mr. Parth Malviya, learned counsel for the petitioner, took us through the order dated 18.01.2022 in Writ Petition No. 4804 of 2021, by which the petitioner joined the post of "Junior

Assistant (Ministerial)” at Panchayat Samiti, Murtijapur, without prejudice to his rights and claim over the post of “Civil Engineer Assistant”. Accordingly, the same was observed by this Court in the said writ petition. The said writ petition was finally disposed of by this Court vide order dated 28.03.2022, wherein the petitioner was directed to make a representation to the Chief Executive Officer, Zilla Parishad, Akola, seeking his placement on the post of “Civil Engineer Assistant”.

5. Mr. Parth Malviya, learned counsel for the petitioner, submits that the order dated 18.01.2022 clearly depicts that his joining to the post of “Junior Assistant (Ministerial)” was without prejudice to his rights and that he is eligible for the post of “Civil Engineer Assistant”. He submits that the authorities, i.e. the respondents, have not taken into consideration this fact, leading to passing of the impugned order. He further submits that similarly situated employees in Zilla Parishad, Kolhapur, have been granted such benefit. He further submits that this aspect needs to be considered by the respondent – Zilla Parishad. He therefore prays that, at present, his interest would be safeguarded if he is permitted to make a detailed representation highlighting all these facts, the

earlier orders of this Court, and the fact of similarly situated employees being granted benefit, so that the respondent – Zilla Parishad may take a decision in accordance with law and the prevailing policy in that regard.

6. After going through the matter and after perusing the record with the assistance of learned counsel for the respective parties, we are of the considered opinion that, in the circumstances stated supra, the interest of justice would be served if the petitioner is permitted to make a detailed representation highlighting the said aspects.

7. The representation, if any, to be made within two weeks to the respondent no. 2.

8. If such representation is made within two weeks as aforesaid, the respondent no. 2 is further directed to decide the said representation within four weeks thereafter and communicate the decision thereon to the petitioner.

9. Writ Petition is disposed of as such.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)

Shubham