

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 798 / 2010 (D.B.)**

Rajaram Goma Kolvate,  
Aged 58 Yrs., Occupation : Retired State Government Servant,  
R/o Kiran Nagar No. 1, Amravati Tq. & Dist.  
Amravati.

**Applicant.****Versus**

- 1) The State of Maharashtra,  
through its Secretary (School Education),  
Ministry of Education,  
Mantralaya, Mumbai- 400 032.
- 2) Director of Education (Secondary & Higher Secondary),  
Maharashtra State Central Building,  
Pune-411 001 and for Director,  
Maharashtra State Council of Educational Research & Training  
Sadashivpeth, Pune-411 030.
- 3) Mr. S.H.Dhekane,  
Aged about 56 years, Occ. Service,  
R/o Secretary, Maharashtra State Board of Secondary &  
Higher Secondary Education,  
Pune-411 006.
- 4) Shri M.V.Gosavi,  
Aged about 56 yrs, Occ. Service,  
R/o Divisional Secretary,  
Maharashtra State Board of Secondary & Higher Secondary  
Education, Divisional Board,  
Pune-411 006.
- 5) Smt. Mamata Jha,  
Aged about 58 yrs, Occ. Service,  
R/o Director State Institute of Science Education, Ravinagar,  
Nagpur-10.

- 6) Shri D.H.Gadkari,  
Aged about 57 yrs, Occ. Service,  
R/o Plot No. 216, Lane No. 13,  
Hari Om Nagar, Rankala,  
Kolhapur, Tah. & Distt. Kolhapur,  
Pune-416010.
- 7) Shri V.S.Mhatre,  
Aged about 54 yrs, Occ. Service,  
R/o Deputy Director (Project),  
Maharashtra Prathmik Shikshan Parishad,  
Mumbai, Near Acquarium, Marine Lines,  
Mumbai-400 027.
- 8) Mr. P.S.Pathare,  
Aged about 53 yrs, Occ. Service,  
R/o Divisional Secretary,  
Maharashtra State Board of  
Secondary & Higher Secondary Education,  
Divisional Board, Aurangabad,  
District Aurangabad.
- 9) Mr. J.V.Pardhi,  
Aged about 47 yrs, Occ. Service,  
R/o Divisional Secretary,  
Maharashtra State Board of  
Secondary & Higher Secondary Education,  
Divisional Board, Nagpur,  
District Nagpur.

**Respondents**

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**Shri G.M.Bagde, Id. Advocate for the applicant.**

**Shri A.M.Khadatkar, Id. P.O. for the respondent nos. 1 & 2.**

**None for respondent nos. 3 to 9.**

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**Coram :- Hon'ble Shri J.D. Kulkarni, Vice-Chairman (J) &  
Hon'ble Shri Shree Bhagwan, Member (A).**

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**JUDGMENT****PER : VICE CHAIRMAN (J)****(Delivered on this 08<sup>th</sup> day of October, 2018)**

Heard Shri G.M.Bhagde, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for respondent nos. 1 & 2. None for respondent nos. 3 to 9.

2. The applicant in this O.A. is claiming directions to respondent nos. 1 & 2 to promote him to the post of Deputy Director of Education w.e.f. 21/10/2010 and grant consequential financial benefits. He is also claiming deemed date of promotion w.e.f. 21/10/2010 on the post of Deputy Director of Education.

3. The applicant was initially appointed on the post of Block Education Officer on 10/02/1984, he was promoted as M.E.S., Class-I (Education Officer and equivalent post) on 30/06/1997. In 2004, he was transferred to the post of Senior Lecturer in District Education and Training at Amravati.

4. On 04/06/2007, the Director of Education, Pune published a seniority list of Education Officers and equivalent officers and in the same seniority list, the applicant's name appeared at Sr. No. 169, whereas, the respondent no. 3 appeared at Sr. No. 179, respondent no. 4 at Sr. No. 186, respondent no. 5 at Sr. No. 194, respondent no. 6 at Sr. No. 195, respondent no. 7 at Sr. No. 199, respondent no. 8 at Sr. No. 202 & respondent no. 9 at Sr. No. 208. The applicant was, therefore, seniormost

amongst all the respondents. The applicant, however was denied promotion, in view of the G.R. dated 21/10/2010.

5. On 23/09/2010, the respondent no. 2 directed the applicant to submit Caste Validity Certificate which was accordingly supplied by the applicant. But the applicant was not considered for promotion on the ground that he failed to submit the Caste Validity Certificate and, therefore, the applicant is claiming promotion and deemed date of promotion.

6. The applicant stood retired on 31/10/2010. The applicant has filed new Caste Validity Certificate secured from the S.D.O. office, Sakoli District- Bhandara on 28/10/2010. He has also filed copy of the application before the Joint Commissioner, Scheduled Tribe Caste Validity Scrutiny Committee dated 30/10/2010. His claim was not considered.

7. The respondent no. 1 filed the affidavit-in-reply and in para no. 3 of the said reply it is admitted that the Departmental Promotion Committee constituted for considering promotion of Deputy Director of Education, conveyed a meeting on 06/10/2010 and the applicant's name was recommended for promotion to the post of Deputy Director of Education from open category, as per the seniority and gradation of five years confidential report. However, since the applicant was initially appointed from Scheduled Caste Category, as per the provision of

Marathi Corrigendum issued by the Tribal Development Department dated 28/05/2001 (Annexure-A) and Government Resolution, dated 05/11/2009 (Annexure-B), there is a compulsion of production of Caste Validity Certificate before giving promotion to the candidate from Scheduled Tribe and Backward Classes. Since, the applicant did not produce the certificate, he was not promoted.

8. The Id. counsel for the applicant submits that, the applicant has produced the Caste Validity Certificate on 19/11/2010. The applicant got retired on superannuation on 31/10/2010. It seems that, the applicant's claim has been considered in the D.P.C. dated 06/03/2010 and he was found fit for promotion from open category. Considering the fact that the applicant has now produced the Caste Validity Certificate, though after retirement, there is no reason as to why his claim shall not be considered for deemed date of promotion, since he has retired and, therefore, the following order:-

### **ORDER**

1. O.A. is partly allowed.
2. The respondents are directed to grant deemed date of promotion to the applicant to the post of Deputy Director of Education w.e.f. 21/10/2010. Since, the applicant has not worked on the post of Deputy Director, he will not be entitled to financial benefits i.e. back

wages for such promotion. However, it shall be presumed that he stood retired on the said post of Deputy Director of Education and his claim for the post of Deputy Director of Education shall be considered w.e.f. 21/10/2010 for all other purposes including pensionary benefits as may be admissible.

3. No order as to costs.

**(Shree Bhagwan)**  
**Member (A)**

**(J.D.Kulkarni)**  
**Vice Chairman (J)**

Dated :- 08/10/2018.

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