

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 857 of 2020 (S.B.)**

Rakesh Radheshyam Chaware,  
Aged 41 years, Occ.: Service  
Chapmanwadi, Shree Swami Samarth Mandir Road,  
Yavatmal 445001, Tahsil and District Yavatmal.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary, Revenue and Forests Department,  
Mantralaya, Madam Cama Road, Mumbai - 32.
- 2) The Divisional Commissioner,  
Amravati Division, Bypass Road Camp, Amravati.
- 3) The Collector Yavatmal, Civil Lines, Yavatmal.

**Respondents.**

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**Shri R.A. Haque, Advocate for the applicant.  
Shri V.A. Kulkarni, learned P.O. for respondents.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated :- 27/09/2023.**

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**J U D G M E N T**

Heard Shri R.A. Haque, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The applicant was initially appointed on the Class-IV post on 27/02/1997. Thereafter, he was promoted on the post of Junior Clerk on 01/06/2005. He had passed the Sub Service Departmental Examination (in short "SSDE") on 24/08/2008. He was confirmed in

the service in the year 2008. The applicant had passed the Revenue Qualifying Examination (in short "RQE") on 07/05/2010. Another employee namely Shri Kailash A. Manwarkar not passed any SSDE and RQE examinations within a stipulated time. As per the Rule 5 of the Departmental Examination Rules, Shri Kailash A. Manwarkar was given exemption after completing the age of 45 years.

3. It is the contention of the applicant that Shri Kailash A. Manwarkar was promoted on 05/03/2013. The applicant has passed the SSDE on 24/08/2008 and thereafter RQE on 07/05/2010. Therefore, he should have been granted promotion before Shri Kailash A. Manwarkar.

4. It is submitted that the applicant is entitled for deemed date of promotion from 05/03/2013 on which Shri Kailash A. Manwarkar was promoted.

5. The O.A. is opposed by the respondents. As per the submission of respondents, the applicant has not passed the RQE within four years and within three chances. The applicant has passed the said examination within four chances and therefore he is not entitled to claim the relief as prayed.

6. During the course of submission, the learned counsel for applicant has pointed out the G.R. dated 24/08/1976. By this G.R., the

Government has decided to grant one more chance to pass the RQE. The respondents are bound to follow the guidelines given in the Government G.R. The applicant belongs to S.C. category and therefore as per the Govt. G.R. dated 24/08/1976, the applicant was entitled to get promotion along with Shri Kailash A. Manwarkar. Therefore, the applicant is entitled for deemed date of promotion from the date on which Shri Kailash A. Manwarkar was promoted i.e. 05/03/2013. Hence, the following order –

**ORDER**

(i) The O.A. is allowed.

(ii) The respondents are directed to grant deemed date of promotion to the applicant from 05/03/2013 with all consequential benefits within a period of three months from the date of receipt of this order.

(iii) No order as to costs.

**Dated** :- 27/09/2023.

dnk.

**(Justice M.G. Giratkar)**  
**Vice Chairman.**

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 27/09/2023.