

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.474 OF 2015

(Subject :- Promotion)

DISTRICT : LATUR

Nagorao S/o. Kundlikrao Gaikwad,)
Age 44 years, Occu: Service,)
R/o: Hanuman Tekdi, Ahmadpur,)
Dist. Latur.)...Applicant

V E R S U S

1. **The State of Maharashtra,**)
Through Secretary, Revenue and)
Forest Department, Mantralaya,)
Mumbai – 32.)
(Through Chief Presenting Officer,)
M.A.T., Aurangabad).)
2. **The Divisional Commissioner,**)
Aurangabad Division, Aurangabad.)
3. **The Collector,**)
Collector Office at Latur,)
Tq. & Dist. Latur.)
4. **Smt. Archana Rajaram Kastewad**)
Age 30 years, Occu: Service,)
R/o: C/o Circle Officer, Gategaon,)
Tq. And Dist. Latur.)
5. **Ramrao S/o Kishnrao Zade**)
Age 32 years, Occu: Service)
R/o: C/o: Circle Officer, Hadolti)
Tq. Ahmedpur, Dist. Latur.)
6. **Venkat S. Suryawad**)
R/o: C/o Circle Officer, Valandi,)
Tq. Deoni, Dist. Latur.)...Respondents

APPEARANCE :- **Shri R.K. Ashtekar, learned Advocate for the Applicant.**
Smt. M.S. Patni, the learned Presenting Officer for the Respondents.
Shri B.N. Patil, learned Advocate for the Respondent No.6 is absent.

CORAM :- **JUSTICE A.H. JOSHI, CHAIRMAN**
AND
ATUL RAJ CHADHA, MEMBER (A)

RESERVED ON :- **21.02.2019.**

PRONOUNCED ON :- **28.02.2019.**

O R D E R

[Per : Justice A.H. Joshi, Chairman]

1. Heard Shri R.K. Ashtekar, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents. Shri B.N. Patil, learned Advocate for the Respondent No.6 is absent.

2. Perused the record annexed to Original Application and to the affidavit-in-reply.

3. Applicant's claim is very simple. His claims and record reveal the following:-

Point-I:- He is senior to Respondent Nos.4,5 & 6.

Facts:- Factual.

Point-II:- Applicant has passed Revenue Qualifying Examination.

Facts:- Factual.

Point-III:- Applicant being senior is entitled for promotion instead of Respondents.

Facts:-

- (a) Applicant has passed Revenue Qualifying Examination in 2009.
- (b) Respondent Nos.4,5 & 6 have passed the Revenue Qualifying Examination before Applicant.
- (c) Applicant has lost seniority for promotion because he did not pass the Maharashtra Revenue Qualifying Examination for promotion from the cadre of Talathi to the post of Circle Officer Rules, 1998 within 4 years and 3 chances.

Point-IV:- Applicant is qualified for promotion to the post higher than Talathi.

Facts:- Yes, Applicant is qualified but his entitlement is not due, since those who have passed RQE in time i.e. before the date of Applicant's passing, and Applicant has lost seniority amongst eligible candidates in view of Rules 3 to 6 of Promotion to the post of Circle Inspector from the cadre of Talathi. Maharashtra Revenue Qualifying Examination for promotion from the cadre of Talathi to the post of Circle Officer Rules, 1998 (copy whereof is at Page no.90. Exh. 'R-2' of paper book.

Point-V:-

- (i) Tribe Certificate of Mrs. Kastewad Archana and of Shri Suryawad is not validated.
- (ii) Promotion of Smt. Kastewad and Shri Suryawad is contrary to Government decisions dated 16.05.2009 and 26.3.2010 (Annexure 'A-9'.

Facts:- 1st point No.(i) in foregoing paragraph is factual, however Hon'ble High Court Bench at Aurangabad has ordered in Writ Petition No.5909/2015 by order dated 16.6.2015 that Shri Suryawad vis. be promoted pending adjudication/scrutiny of his

Tribeclaim. Therefore, the promotions, though contrary to Annexure 'A-9', those with the order passed by Hon'ble High Court in Writ Petition No.5909/2015.

4. In view of foregoing discussion as to facts and reasons recorded in point Nos. II to V, Applicant has failed to show vested legal right and its violation.
5. Hence, Original Application has no merit and it is dismissed.
6. Parties are directed to bear own costs.

(ATUL RAJ CHADHA)
MEMBER (A)

(A.H. JOSHI)
CHAIRMAN

Place:- Aurangabad

Date :- 28.02.2019

SAS. O.A.No.474/2015.Promotion