

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1866/2015

(ANIS AHMAD SHAIKH WAZIR **VERSUS** STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri R.J. Mirza, counsel for the petitioner.
 Ms N.P. Mehta, A.G.P. for the R-1 & 3 to 5.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : AUGUST 27, 2015.

By this petition, the petitioner seeks a direction to the respondents, particularly the Chief Officer of the Municipal Council, to pay the petitioner all the benefits of the post of regular headmaster including the arrears of salary, increments, etc. with 10% interest.

According to the petitioner, though the petitioner was the seniormost teacher in the school and the post of headmaster became vacant on 06.08.2010 and the petitioner was entitled to be appointed on the said post, the management appointed the petitioner on the said post on 04.11.2014. According to the petitioner, since the petitioner was eligible and entitled to be promoted on the post of Headmaster, a direction to the Chief Officer to pay the benefits of the post of regular headmaster to the petitioner for the period from 06.08.2010 till 04.11.2014 would be necessary.

The learned Assistant Government Pleader opposes the prayer made in the petition. It is stated that the petition is belatedly filed. It is stated that if the respondents had not promoted the petitioner on the post of Headmaster within a reasonable time from 06.08.2010, the petitioner ought to have filed appropriate proceedings seeking directions against the management. It is stated that since the petitioner is promoted with

effect from 04.11.2014, the relief sought by the petitioner cannot be granted.

In the circumstances of the case, the relief sought by the petitioner cannot be granted. It is rightly submitted on behalf of the State Government that if the petitioner was not promoted as a regular Headmaster within a reasonable time from the date on which the vacancy arose, the petitioner ought to have filed appropriate proceedings within a reasonable time. The petitioner waited till he was promoted on the post of Headmaster on 04.11.2014 and then filed this writ petition on 17.03.2015. It also cannot be said that merely because a promotional post is vacant, an employee could be entitled to the benefits of the said post though he is promoted on the said post at a subsequent point of time.

For the reasons aforesaid, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

APTE