

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

WRIT PETITION NO. 4024 OF 2015

Humaira Nahid

-vs-

The State of Maharashtra, thr.its Secretary, Department of Education and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P. P. Thakare, counsel for the petitioner.
Mr. A. S. Fulzele, Addl. G.P. for the respondent Nos.1 and 2.
Mr. M. Rafique, counsel for the respondent Nos.3 and 4.

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

DATE : 08.10.2015.

By this petition, the petitioner seeks a direction to the respondents to grant approval to the appointment of the petitioner as an Assistant Teacher with effect from 07/07/2001 till 07/07/2004 by making necessary corrections in the approval orders dated 20/04/2007 and 22/10/2007.

According to the petitioner, the respondent-Education Officer ought to have granted approval to the petitioner's appointment as an Assistant Teacher and not as a Shikshan Sevak from 07/07/2001 to 07/07/2004. It is stated that the petitioner is granted approval as an Assistant Teacher from 07/07/2004 and for three previous years, the petitioner is granted approval as a Shikshan Sevak. The petitioner is, therefore, seeking necessary corrections in the approval orders of the year 2007.

It appears on hearing the learned counsel for the parties that the petition suffers from laches. The impugned orders in which the petitioner seeks corrections are passed on 20/04/2007 and 22/10/2007. If the petitioner was not satisfied with the grant of approval as Shikshan Sevak for first three years, the petitioner ought to have challenged the approval orders to the said extent, within a reasonable time from the date on which they were passed,

but the petitioner has waited for eight long years to seek corrections in the approval orders. This is not a case where the petitioner is declined approval. The petitioner is granted approval from the date of her appointment, but the appointment for the first three years is considered to be as a Shikshan Sevak and for the subsequent years as an Assistant Teacher. As the petition suffers from laches and there is no explanation for the delay in filing the writ petition, we decline to entertain the writ petition.

The first representation in respect of the correction is made by the petitioner in the year 2013. There is a delay in making the first representation also. In any case, it is held by the Hon'ble Supreme Court in the judgments, reported in (2009) 3 SCC 281. (Yunus (Babobhai) A. Hamid Padvekar v. State of Maharashtra), (1995) Supp.4 SCC 593 (Administrator of Union Territory of Daman and Diu v. R. D. Valand) and (1997) 11 SCC 13 (Jai Dev Gupta v. State of H.P.) that making of successive representations would not stop the period of limitation. Also, it is necessary to note that the petitioner had, in the minutes of the order filed in Writ Petition No.1920 of 2006, agreed to be appointed as a Shikshan Sevak in the respondent No.4-School. The petitioner cannot wriggle out of the solemn statement made by the petitioner in the minutes of the order, dated 17/01/2007.

In the circumstances, we dismiss the writ petition with costs.

JUDGE

JUDGE