

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

WRIT PETITION NO. 793 OF 2015

Raju Hari Rathod

-vs-

The State of Maharashtra 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. S. Kshirsagar, counsel for the petitioner.

Ms Tajwar Khan, A.G.P for the respondent No.1.

Mr. Arvind Dubey, counsel h/f Mr. P. D. Meghe, counsel for the
respondent Nos.2 and 3.

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

DATE : 20.08.2015.

By this petition, the petitioner challenges the communication of the respondent No.1, dated 09/09/2014 holding that the petitioner was not entitled for appointment on the post of Shikshan Sevak, as the petitioner had secured the Diploma in Education from Sagar University.

Ms Khan, the learned Assistant Government Pleader, raises a preliminary objection to the tenability of the writ petition. It is stated that the petitioner had applied for the post of Shikshan Sevak in pursuance of an advertisement issued by the respondent-Zilla Parishad in the year 2003. It is submitted that if the petitioner was not appointed on the ground that he did not possess the Diploma in Education from a recognized University and the appointment could not have been made, as the petitioner had secured the diploma from Sagar University, the petitioner ought to have approached this Court within a reasonable time, seeking appropriate directions against the respondents. It is stated that the writ petition is filed on 09/12/2014 for seeking the appointment in pursuance of an advertisement issued in the year 2003.

The learned counsel for the petitioner states that the petitioner was making representations to the respondents in the meanwhile. It is stated that the respondent-Zilla Parishad had sought the opinion of the State Government and the opinion of the State Government was received only on 09/09/014 and hence, there is no delay in filing the writ petition.

We uphold the preliminary objection raised on behalf of the respondent No.1 and dismiss the petition on the ground of laches. Admittedly, the petitioner is claiming appointment on the post of Shikshan Sevak in pursuance of an advertisement issued in the year 2003. If the petitioner was not appointed on the ground that the Diploma in Education from Sagar University was not acceptable, the petitioner ought to have approached this Court within a reasonable time from the refusal to appoint the petitioner on the post of Shikshan Sevak. The petition is filed after a decade. It is well settled that making successive representations would be inconsequential while considering "sufficient cause", as the representations cannot stop limitation. It would be worthwhile to refer to the judgments of the Hon'ble Supreme Court, reported in 1995 Supp (4) SCC 593 (Administration of Union Territory of Daman and Diu v. R.D.Valand), (1997) 11 SCC 13 (Jai Dev Gupta v. State of H.P.) and (2006) 4 SCC 322 (Karnataka Power Corpn.Ltd. v. K. Thangappan) in this regard.

In view of the aforesaid, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE