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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 12145 OF 2012

Mr. Sharad Narayan Pawar.

... Petitioner.

V/s.

State of Maharashtra and Ors.

... Respondents.

Mr. V.K. Bodhare i/b. A.M. Joshi for the Petitioner.

Mr. A.R. Metkar, AGP for Respondent 1 to 3.

Mr. P.B. Deo for Respondent 4.

Mr. Vinod P. Sangvikar i/b. Umesh R. Mankapure for Respondent 5.

Mr. Vikas J. Takalkar for Respondent 6.

Mr. A.M. Kulkarni for Respondent 7.

CORAM : N.M. JAMDAR, J.

DATE : 26 FEBRUARY, 2016.

P.C. :-

Heard the learned Counsel for the parties. By order dated 5 February 2013, the parties were put to notice that the Petition will be taken up for disposal. Accordingly, taken up for disposal.

2. The School Tribunal has rejected the application for condonation of delay in appeal filed by the Petitioner by the order dated 12 July 2012. The School Tribunal has concluded that the

challenge to the promotions granted to the Respondents in the year 1999-2000, for having raised it in the year 2008, was hopelessly belated.

3. Heard the learned Counsel for the parties. Perused the record. The orders of the year 1999-2000 and consequent supersession of the Petitioner, is challenged in the year 2008. The cause was grossly belated. That there is no limitation provided does not mean the Petitioner could challenge the order at any time.

4. However, the learned Counsel for the Petitioner has drawn my attention to the order dated 29 November 2007 in Writ Petition Nos. 7914 and 7922 of 2007. By this order while issuing Rule, this Court directed as under :-

“ Heard the learned Counsel for the respective parties and learned AGP as well. Rule. Respondents waive service.

2. By way of interim relief the operation of the clause no.7 of the impugned order stands stayed and it is directed that the post of Head Master of both the Boy's Schools shall be as per the common seniority list of Assistant Teachers in the two Boy's Schools and the seniority list of the Girl's School i.e. Indira Kanya Prashala will be maintained separately as per the Resolution dated 22.7.1990 passed by the Yeshwant Vidyapeeth in respect of teachers who were on the rolls of Kanya Prashala on the date of resolution.”

5. The learned Counsel for the Petitioner made a grievance that the Respondent – management has not maintained this common seniority list, even though it is specifically directed. When called upon, the learned Counsel for the Respondent – management submitted that such seniority list, as directed, would be prepared.

6. Considering facts that these directions were given in the year 2007, and that the Respondent – management ought to have done it expeditiously, the Respondent – management will prepare such common seniority list as directed within period of six weeks from today. Once such a seniority list is prepared and consequent promotions are stated therein/granted, it will be open to the Petitioner to challenge the same as per law.

7. All points of the parties on merits are kept open as regard the action/seniority list which will be prepared by the Respondent – management. In view of this position and that the preparation of seniority list as directed by this Court would give fresh cause of action to the Petitioner, it is not necessary to interfere with the impugned order. Keeping all points open, the Writ Petition is disposed of.

(N.M. JAMDAR, J.)