

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1216 OF 2016

[Umesh s/o Uttamrao Botkule .vs. State of Maharashtra and one]

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

Court's or Judge's orders

Shri A.J. Salway, counsel for the petitioner,
Shri A.K. Bangadkar, AGP for the respondents.
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CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATED : MARCH 17, 2016.

By this writ petition, the petitioner seeks a direction to the respondents to accommodate the petitioner on the post of Headmaster in any of the schools or hostels run and administered by the State Government.

In pursuance of an advertisement published by the State Government on 12.7.2012, the petitioner had applied for appointment on the post of Headmaster reserved for the other backward classes on a consolidated salary of Rs.5,000/- for a period of three years. According to the petitioner, though the petitioner was eligible for appointment and though there are certain vacancies in the post of Headmasters in the open category, the respondents have not appointed the petitioner on the post of Headmaster. It is stated that the petitioner possesses the requisite qualification and experience for appointment on the post of Headmaster, but the respondents have illegally rejected the representation made by the petitioner for his appointment, by the impugned order dated 18.2.2015.

On hearing the learned counsel for the parties, it appears that the writ petition is liable to be dismissed for more reasons than one. The petition suffers from laches. The advertisement was issued in this case on 12.7.2012. The process of selection was completed within

a period of one year from the date of issuance of the advertisement. Since the petitioner was not appointed on the post of Headmaster, the petitioner made the representation to the respondent nos.2 and 3. The representation of the petitioner was rejected on 18.2.2015. Despite the rejection of the representation on 18.2.2015, the petitioner did not file the petition till 30.1.2016. It was necessary for the petitioner to have approached this court within a reasonable time after the selection process was complete. In view of the policy of the State Government, the waiting list lapses after the period of one year from the date of publication of the same.

Apart from the delay, we find that the petition is also devoid of merit. The petitioner does not possess the requisite experience of five years for appointment on the post of Headmaster. The certificates annexed by the petitioner to the instant petition do not depict that the petitioner possesses the necessary experience of five years. The petitioner was informed by the impugned order that the petitioner does not possess the experience of five years and despite the said observation, the petitioner has not produced any material on record to show that he possessed the experience of five years at the time of making of the application.

Since there is no merit in the writ petition, we dismiss the same with no order as to costs.

JUDGE

JUDGE