

BENCH AT AURANGABAD

Shri Vijay Kautik Chaudhari. ...Petitioner...

The State of Maharashtra & others.

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Shri S.B. Yawalkar, AGP for respondent nos.1 and 2.

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DATE: 11.01.2017

1] The petitioner is challenging the decision of the Education Officer granting approval to the appointment of the petitioner from 2007 and not from the date of initial appointment i.e. 13.6.2002.

2] Preliminary objection is raised by the learned AGP for the respondent nos.1 & 2 that there is gross delay in filing this petition.

3] Learned counsel for the petitioner submits that the petitioner was making oral representations and that the

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Writ Petition No.7705/2005 filed by the petitioner and one other person was allowed by this Court on 27.6.2006.

4] We have perused the order dated 27.6.2006 in the said writ petition. The said order indicates that this Court had directed the Education Officer to consider the proposal for approval in accordance with law and on its own merits. Thereafter, the impugned decision was taken by the Education Officer in 2007. It is, therefore, clear that there is gross and unexplained delay of 10 years in filing this petition. It is, therefore, not possible now to consider the petitioner's request for change of the said grant of approval from 2007. The petition is, therefore, dismissed on the ground of laches. So far as the benefit of seniority and other benefits are concerned, the said issues are kept open to be considered on merits and in accordance with law.

(SANGITRAO S.PATIL, J.) (V.M. KANADE, J.)