

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

WRIT PETITION NO. 9702 OF 2013

Mrs. Amita Ajit Thambe

... Petitioner

Vs

1 The State of Maharashtra & Ors.

... Respondents

Mr. V.K. Bodhare for the Petitioner.

Mr. V.M. Mali, AGP, for the Respondent-State.

Mr. G.M. Savagare for the Respondent Nos.3 & 4.

Mr. Prashant C. Suryawanshi for the Respondent No.5.

**CORAM : S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

MONDAY, 19TH NOVEMBER, 2018

P.C. :

1 The petitioner says that she was desirous of seeking an appointment to the post advertised by the Management, namely, the third respondent before this Court. However, despite the advertisement indicating the two specific posts with qualifications, the petitioner was left out of consideration and instead, respondent Nos.5 and 6 have been appointed. On the own showing of the petitioner, the petition beyond highlighting

this irregularity / illegality in the appointment process, did not seek any relief earlier of quashing the appointments made pursuant to this advertisement. Instead, she moved the Education Officer and on her representations, what the Education Officer has done is to recall the approval granted to the appointments of respondent Nos.5 and 6. Later on, the Education Officer realised his mistake and recalled his earlier order cancelling the approval. It is this action which is questioned in this writ petition.

2 It is common ground that the advertisement was issued on 5th July, 2009. The advertisement initiated the selection process and ended in the appointment orders being issued to respondent Nos.5 and 6. Later on, the petitioner made a grievance to the Education Officer and to the State Government, but did not come to this Court or approach any Court of law. The petitioner was satisfied with the representations being kept on file without any action being taken against respondent Nos.5 and 6. She was happy when the representations ended in a favourable result for her, namely, cancellation of the earlier approvals granted to respondent Nos.5 and 6. However, the later act of

restoring that approval is questioned in this petition and which petition as well has been filed after more than a year of such restoration. The restoration follows from 13th January, 2011.

3 We do not think that the petitioner can make any grievance now particularly when the law is well settled. A process initiated by an advertisement and particularly of selection of eligible candidates ends in a list of select candidates being drawn up and the appointment order being issued. Now that process cannot be revisited and merely because the petitioner finds that the approval granted to the appointments of respondent Nos.5 and 6 is defective and illegal. The petitioner will not be able to derive any benefit even if we are to scrutinize and verify the records in relation to the action of the Education Officer in initially approving the appointments of respondent Nos.5 and 6 and later on cancelling those approvals, but subsequently restoring the approvals once again. All this being scrutinized and verified in the year 2018 will not enable the petitioner to secure any benefit, much less of an appointment to a post advertised as far back as on 5th July, 2009. It will be raking up a controversy which eventually will not render any fruitful

result, much less a positive benefit for the petitioner.

4 We are, therefore, not inclined to examine this issue in this writ petition. The petition is dismissed. There shall be no order as to costs.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.