

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3003 OF 2001

Jai Yeshwant Mane
now Tanaji Yeshwant Mane .. Petitioner
Versus
Padmabhushan Dr.Vasant Dada
Patil Shikshan S. and ors .. Respondents

...

Mr.C.N.Chavan for the petitioner.
Mr.V.M.Mali AGP for respondent nos.3 and4.
Mr.R.S. Khadapkar for respondent no.5
Mr.Milind Deshmukh for respondent no.6.

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

DATED : 22nd JUNE 2018

P.C:-

1 This writ petition is of the year 2001.

2 It's pendency of 17 long years in this Court but
without any interim order and making all intervening
developments subject to the outcome of the writ petition,
would not enable us to issue the writ as prayed.

Tilak

3 The reason for the same is simple. The petitioner claims to be a victim of a wrongful act by the management in the sense he was lured into accepting the appointment order purely on account of poverty and unemployment, but the management knew, as is clear now from the record that the post against which the petitioner was appointed, was a reserved post. At least, now the management is admitting with reference to the roster, copies of which are annexed together with the contents of the same being referred at page nos.79 to 81 of the paper book, that the petitioner's appointment cannot be either termed as legal or having been made against an approved or sanctioned post. The post was to be filled in by a reserved category candidate and which the petitioner admittedly is not. In these circumstances, in writ jurisdiction we cannot pass the order.

4 Our reluctance or disinclination to grant any relief does not mean that the petitioner is remedyless. If the management has done wrong to the petitioner, it is always open

for the petitioner to approach a competent court and a claim for compensation or damages can be laid for the contract even if said to be not strictly, at the initial stage being permissible under the rules and regulations, the petitioner having worked, the work being extracted from him would enable the petitioner to seek such monetary reliefs as are permissible in law. Our observation in this order and our reluctance to grant any relief should not come in the way of the proceedings which are to be initiated. We clarify that this order shall not be construed as an impediment for the petitioner to claim appropriate reliefs. The Competent Civil Court shall proceed to adjudicate the claim, uninfluenced by this Court's order.

(SMT. BHARATI H. DANGRE, J.) (S.C. DHARMADHIKARI, J.)