

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12004 OF 2012

Dhareppa Annappa Muchandi ..Petitioner

Vs.

Primary Education Department

and Others ..Respondents

Mr. S. G. Deshmukh I/b Mr. Ramdas Shelke, for the Petitioner.

Mr. Pradeep Patil, for Respondent Nos.1 and 2 MCGM.

Mr. Vikas Mali, AGP, for the Respondent State.

CORAM:-B.R.GAVAI & B. P. COLABAWALLA,JJ.

DATE :- JANUARY 29, 2018.

P. C.:

The Petition challenges the selection of Respondent No.3 as a Shikshan Sevak in the school run by the Municipal Corporation of Greater Mumbai. The Respondent Municipal Corporation had published an advertisement in June 2011 thereby asking the interested candidates to participate in the walk-in interview. The selection was purely on the basis of the marks obtained in the D. Ed. Examination. One of the clauses in the

advertisement states that in the event two candidates have secured the same number of marks, the person who is senior in age shall be given preference for appointment.

2 It is the contention of the Petitioner that the Petitioner as well as Respondent No.5 both had secured 805 marks. However, the Petitioner was senior in age by three years. As such Respondent No.1 ought to have been selected the Petitioner instead of Respondent No.3.

3 The perusal of the reply filed by the Respondents would reveal that the advertisement was issued in the month of June, 2011. The interviews were conducted immediately thereafter. A list of the selected candidates was published on 13th July, 2011.

4 However, perusal of the record would reveal that the representation was made by the Petitioner against the said selection on 9th August, 2012 which was rejected on 12th September, 2012 and thereafter this Petition has been filed in the month of November, 2012.

5 No explanation as to what the Petitioner was doing for a period of more than one year after selection list was published has been given in the Petition.

6 The Petitioner has chosen not to do anything for a period of one year from the date on which rights were crystallized and thereafter made the representation for the first time after a period of one year and thereafter after a period of three months has approached this Court.

7 In that view of the matter, we find that the Petition is liable to be dismissed on the ground of delay and laches. The Petition is dismissed.

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)