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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1100 OF 2015

Pragati Pratap Waghmare

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. V. S. Tadake I/by Mr. Mohan Gawade for Petitioner.

Mr. K. S. Thorat, AGP for Respondent Nos.1 and 2.

Mr. Uday Warunjikar for Respondent Nos.3 and 4.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

AUGUST 28, 2019.

P.C.

1. Heard learned counsel for the parties.
2. The 3rd Respondent: Zilla Parishad, Satara issued an advertisement on 24.02.2007 inviting applications from eligible candidates to fill up 533 posts of Shikshan Sevak under the Zilla Parishad informing that 88 posts were reserved for members of the Scheduled Caste and 17 posts for members of the Nomadic Tribe.

The Petitioner submitted his application. So did others. All those who were found eligible to be appointed were called for an interview vide call letter dated 25.04.2007 intimating therein that those who were seeking benefit of reservation would have to submit caste scrutiny validation certificates by 30.04.2008.

3. Select-list was drawn. Wait-list was also drawn. The name of the Petitioner was at Serial No. 11 of the Wait-list. The names of one Gosavi Rupali Laxman and Lohar Ashwini Sudam were at Serial Nos.14 and 16 of the Wait-list but recording that the Petitioner was against a Scheduled Caste vacancy and the other two against Nomadic Tribe vacancy.

4. On 22.08.2007, all candidates, including the ones' in the Wait-list were called upon to obtain and submit the caste scrutiny validation certificates. The Petitioner responded to the Zilla Parishad calling upon the Zilla Parishad to make the necessary reference to the Scrutiny Committee.

5. On 18.01.2008 and 24.01.2008, Gosavi Rupali Laxman and Lohar Ashwini Sudam were offered appointments requiring them to obtain and submit the caste scrutiny validation certificates.

6. The Petitioner waited till the year 2014 when the Caste Scrutiny Committee issued to him a validity certificate dated 28.04.2014. He made a representation seeking appointment and for his claim relied upon the Wait-list; pleading in his representation that he being at Serial No.11 could not have been left out and Gosavi Rupali Laxman and Lohar Ashwini Sudam given appointments.

7. Relief prayed not being granted, instant Writ Petition was filed.

8. Case of the Petitioner is simple. If Gosavi Rupali Laxman and Lohar Ashwini Sudam and others could be given appointments in January 2008 requiring them to submit caste scrutiny validation certificates by 30.04.2008, the date indicated in the interview call letter, even he could have been issued such appointment. With reference to the Select-list, case taken forward is that whereas Petitioner was at Serial No.11 of the Wait-list the other two were at Senior Nos.14 and 16.

9. The response is also simple. The first is that the Wait-list having expired, claim raised in the year 2014 was belated. Once

the life of the Wait-list is over, no appointment with reference to the Wait-list can be granted. On merits, it is pleaded that it is not the case of the Petitioner that any person belonging to the Scheduled Caste having lower merit position was offered appointment. The two illustrated examples pertain to member of the Nomadic Tribe.

10. We concur with the contentions advanced by the learned Counsel for the Zilla Parishad. It is settled law that once the life of a panel, including Wait-list comes to an end, no appointment with reference to the panel or Wait-list can be given. Further, it is too late in the day to grant any relief to the Petitioner. The claim is hit by delay and laches. Even on merits, the two examples relied upon by the Petitioner pertain to members of Nomadic Tribe. The Petitioner is a member of a Scheduled Caste.

11. The Writ Petition is accordingly dismissed.

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE