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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 CIVIL APPLICATION NO.10527 OF 2021
IN RA(ST)/20285/2021
IN WP/6593/2014

ZAFAR MOHIUDDIN HASAN MOHIUDDIN ANSARI
VERSUS
THE VASANTRAO NAIK MARATHWADA KRISHI
VIDYAPEETH, THROUGH ITS REGISTRAR AND
ANOTHER

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Mr S. K. Chavan, Advocate for applicant;
Mr M. N. Navandar, Advocate for respondent No.1;
Mr S. S. Dande, A.G.P. for respondent No.2

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 6th October, 2021

PER COURT:

1. By this civil application, the applicant seeks condonation of delay of 2214 days, calculated by the Registry of this Court, excluding the COVID-19 lock-down period. A detailed judgment has been delivered by this Court (104 pages) on 11/06/2015 and this civil application along with the Review Application have been filed on 29/07/2021.

2. We have considered the submissions of the learned Advocate for the applicant and with his assistance, we have gone through the petition paper book.

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3. There is no dispute that the petitioner retired from service on attaining the age of superannuation on 30/06/2012. His petition bearing Writ Petition No.6593/2014 was taken up for hearing along with several other petitions by this Court and after the final hearing, the judgment was delivered on 11/06/2015, thereby dismissing all the writ petitions.

4. Some of the petitioners had challenged the said judgment dated 11/06/2015, by preferring Special Leave to Appeal No.28751/2015. By an order dated 12/10/2015, the Hon'ble Apex Court condoned the delay and dismissed the said Special Leave Petition.

5. The contention of the petitioner is, that one co-employee Shri. D. G. More, similarly situated as like the applicant, has been promoted despite his Special Leave Petition having been dismissed. It is further submitted vide the pleadings in paragraph No.7 of the civil application that the applicant preferred an application on 20/11/2019 for seeking a copy of the promotion order dated 12/10/2010, issued in favour of Shri. More. He,

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thereafter made another application on 21/04/2014 and received the copy of the said order vide reply communication from the University, dated 19/05/2021.

6. It is the contention of the applicant that, based on the orders of promotion dated 12/10/2010 and 22/06/2015, which were received on 19/05/2021 and further copies of minutes of the departmental promotion committee meeting, received on 13-14/07/2021, the limitation period has commenced from 16/07/2021 as the discovery of the new documents is on 16/07/2020.

7. We are not convinced by the pleadings set out in paragraph Nos.7 and 8 of the application, as well as the oral submissions advanced before us. Shri. More was a co-employee along with the other petitioners when the bunch of petitions were decided by the Judgment dated 11/06/2015 delivered by this Court. Subsequently, Shri. More has been promoted after the Hon'ble Apex Court dismissed the Special Leave Petitions filed by several petitioners. This does not give rise to a fresh cause of action to the petitioner, who has retired on 30/06/2012.

8. We are, therefore, are of the view that the delay of 2214 days (6 years and 6 months) clearly appears to be inordinate. The law laid down by the Hon'ble Apex Court in **Collector, Land Acquisition, Anantnag v/s Mst. Katiji, AIR 1987 SC 1353** and **Esha Bhattacharjee v/s Managing Committee of Raghunathpur Nafar Academy, (2013) 12 SCC 649**, would not assist the applicant.

9. Moreover, insofar as laches are concerned, the petitioner himself had represented to the Vice Chancellor of the University as regards the promotion of Professor Shri. D. G. More, vide his communication dated 20/02/2017. This has been suppressed from the pleadings in the application and it is contended that the applicant gathered the knowledge of the promotion of Professor Shri. More, after he received a copy of his promotion order on 16/07/2021. As such, laches are attributable to the conduct of the applicant.

10. In view of the above, this application is rejected.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)