

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

WRIT PETITION NO. 1428 OF 2018

Rajesh Kumar Punit Lal Ray

... Petitioner

Versus

Union of India through the Secretary & Ors.

... Respondents

.....

Mr. Maheshwar Anand Parab a/w Mr. Nitesh Gupta for the Petitioner.

Ms. Anjali Neel Helekar a/w Mr. A.R. Gole and Ms. Anu C. Kaladharan for the Respondents.

.....

**CORAM : K.K. TATED &
R.I. CHAGLA, JJ.**

DATE : 8th FEBRUARY, 2021.

PC. :-

1 Heard learned Counsel for the parties.

2 By this Petition, under Article 226 of the Constitution of India, the Petitioner is challenging the Memo dated 26.11.2016 issued by the Respondents and for direction to appoint the Petitioner in accordance with appointment letter dated 13.04.2016 alongwith consequential service benefits as well as back wages.

3 The learned Counsel Ms. Anjali Neel Helekar appearing on behalf of Respondents submits that the office of the Chief Postmaster General,

Maharashtra Circle, Mumbai-400 001 issued a letter dated 29.01.2021 publishing list of 229 suspicious/tainted candidates. She submits that even the said list is uploaded on departmental website. A copy of the said letter is taken on record and marked 'X' for identification.

4 The learned Counsel for the Respondents submits that the Petitioner's name appeared at Sr. No.70 bearing Roll No.113048076. She submits that in view of the subsequent development, nothing survives in the present Writ Petition.

5 The learned Counsel appearing on behalf of the Petitioner submits that by a letter dated 29.01.2021, the Respondents placed a new condition that candidate has to declare whether he knows Marathi. He submits that he received instructions from the client to challenge the said fact not taken before this Court in the present Writ Petition.

6 It is to be noted that in the present proceedings, the Petitioner is challenging Memo dated 26.11.2016 issued by the Senior Superintendent of Post Offices, Mumbai North Division, Vile Parle-E, Mumbai – 400057 cancelling the results of examination for the Direct Recruitment of Postman / Mail Guard held on 29.03.2015 and another exam for MTS held on 03.05.2015.

7 The learned Counsel for the Respondents has placed on record a letter dated 29.01.2021 showing that they have published a list of 229 candidates in which the Petitioner's name is appearing at Sr.No.70. The statement made by the learned Counsel for the Petitioner is that he received instructions to challenge the letter dated 29.01.2021 in respect of the new condition that "candidate has to declare that he knows Marathi" is not the issue before this Court.

8 Considering these facts and as the Petitioner's name is appearing in the list published by the Respondents by letter dated 29.01.2021, we are of the opinion that nothing survives in the Writ Petition.

9 Hence, the following order is passed:

- i) The Writ Petition stands disposed of as infructuous.
- ii) The Petitioner is free to challenge the condition about knowledge of Marathi language in the letter dated 29.01.2021, before appropriate Court.
- iii) No order as to costs.

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(R.I. CHAGLA, J.)

(K.K. TATED, J.)