

adb

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

WRIT PETITION NO. 9782 OF 2019

Dr. Archana d/o Kartikrao Teltumbde ... **PETITIONER**

VERSUS

The State of Maharashtra & others ... **RESPONDENTS**

Mr. S. S. Rathi, Advocate for the petitioner.

Mrs. V. N. Patil-Jadhav, A. G. P. for respondents no. 1 & 4.

Ms. P. S. Talekar, i/by Talekar And Associates, for respondent no.5, A. G. P. for the respondents.

**CORAM : DIPANKAR DATTA, CJ. AND
SMT. VIBHA KANKANWADI, J.
DATE : NOVEMBER 15, 2022.**

P. C. :

1. The Maharashtra Administrative Tribunal, Bench at Aurangabad has dismissed the petitioner's application for condonation of delay (Misc. Application No.110 of 2017) in presentation of Original Application No. 265 of 2018.

2. In the original application, the petitioner challenged the appointment of the respondent no.5 on the post of Assistant Professor in Government Ayurvedic College, Maharashtra Ayurvedic Services Group-A. While seeking condonation of delay, the petitioner stated in paragraphs no. 2 and 3 thereof that she became aware of the ineligibility of the respondent no.5 only after dismissal of original application (O. A. No. 100 of 2012) of one Dr.

Meena Sawte. Dr. Sawte's challenge came to be spurned on the ground that she herself did not qualify for being appointed on the post and not on the ground that the respondent no.5 was duly selected and appointed. The said decision, therefore, did not attach finality to the selection and appointment of the respondent no.5. However, the Tribunal disbelieved the version of the petitioner. It referred to the fact that the petitioner had lodged a complaint, as far as back as on 12.12.2011 with the respondent no.2 to the effect that the respondent no.5 did not possess the requisite training experience, yet, had been selected for appointment on the post. The petitioner, however, did not pursue such complaint. The petitioner, therefore, had not approached the Tribunal with clean hands, which led to dismissal of the application for condonation of delay.

3. Having heard learned advocate for the petitioner, we did not consider it necessary to call upon the respondents to answer. We are of the considered opinion that there is no legal infirmity in the order of the Tribunal. The petitioner's original application, filed on 14.02.2017, was hopelessly time barred considering the fact that at least as on 12.12.2011, the petitioner had notice and knowledge of any alleged ineligibility of the respondent no.5 and had, in fact, lodged a complaint with the respondent no.2. The explanation furnished by the petitioner, based on incorrect representation of facts, was rightly not believed by the Tribunal.

4. The order of the Tribunal is unexceptionable. It is upheld and the writ petition stands dismissed.

5. No costs.

(SMT. VIBHA KANKANWADI, J.) (CHIEF JUSTICE)