

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11730 OF 2022

Digambar Yalladas Bomdyal ... **Petitioner**
Versus
The State of Maharashtra & Ors. ... **Respondents**

Mr. Suhas S. Inamdar, Advocate for the Petitioner.

Mr. N. C. Walimbe, AGP for the Respondents/State.

**CORAM: S.V. GANGAPURWALA &
 R. N. LADDHA, JJ.**

DATED : OCTOBER 4, 2022

P.C.

1. The learned Advocate for the petitioner submits that the respondent No.5 has submitted the resignation. Upon his resignation, the post of 'Record-keeper & Clerk' became vacant. The respondent No.2 advertised the post. The petitioner appeared in the selection process pursuant to the advertisement issued in the year 2015. The petitioner's name appeared in the select list at Sr.No.1. However, the petitioner was not issued with the appointment order. The respondent No.5 challenged the action of the respondent/ University in not allowing him to resume his duty. The said writ petition was dismissed. Still the respondent/ University has allowed the respondent No.5 to resume the duty. The petitioner in the year 2018, 2019 and 2020 made continuous representations to the respondents, but no appointment order was issued to the petitioner. The action

of the respondent/University in allowing respondent No.5 to resume duty is illegal and does not stand to reasons, more particularly, when the writ petition filed by the respondent No.5 is also dismissed.

2. The University appeared and filed affidavit. In the affidavit, it has been clarified that the Management Council in meeting dated 10th August 2017, under Resolution No.8(2), has resolved to allow respondent No.5 to resume the duty and accordingly, respondent No.5 resumed the duty.

3. It would appear that since 2017, respondent No.5 is in service. The petitioner has filed writ petition only in September 2021. The petitioner did not challenge the action of the Management Council for a long slumber of four years. It would be too late for us to entertain the writ petition. Moreover, inclusion of name in the select list does not give an indefeasible right to the candidate to be appointed. In light of that, no case is made out for interference.

4. The writ petition is disposed of. No costs.

(R. N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)