

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

Writ Petition No. 7704 of 2021

Shri Rangdasswami Shikshan Vikas

Mandal & anr.

... Petitioners

v/s.

The State of Maharashtra & anr.

... Respondents

Mr.N.V. Bandiwadekar, Advocate i/b. Ashwini Bandiwadekar for the
Petitioners.

Mrs. S.S.Bhende, AGP, for Respondent-State.

**CORAM : NITIN JAMDAR &
AMIT BORKAR, JJ.**

**09 February 2022
(Through Video Conferencing)**

P.C.

The Petitioner has prayed for following reliefs:

“(b) By a suitable writ, order or direction, this Hon’ble Court be pleased to direct the Respondent No.2 to grant approval to the appointment of the Petitioner No.2 as a Shikshan Sevak in the aided Primary School of the Petitioner No.1 w.e.f. 15.6.2011 to 14.6.2014 and to release the grant-in-aid for payment of monthly honorarium for the said period of 3 years, and thereafter to grant further approval to the Petitioner No.2 as an Assistant Teacher on regular basis and on payment of salary in pay scale w.e.f. 15.6.2014 together with release of grant-in-aid for payment of salary in pay scale, from the said date, alongwith all arrears.”

2. The analysis of prayer would show that Petitioner is seeking a direction in the nature of writ to decide the proposal in respect of Petitioner's approval. Secondly, Petitioner is seeking monetary benefits from 15 June 2011 onwards.

3. Since the Petitioner has invoked extraordinary jurisdiction of this Court, the first question that would arise is of delay and laches, more particularly, in view of the monetary claim with effect from the year 2011. Petitioner seeks to give answers to overcome this obvious ground. First, that the petitioner was making representations since the year 2011, and second, clarifications were being sought by the concerned officer, who last sought such clarification in the year 2019.

4. It is the Petitioner who is invoking the writ jurisdiction. If Petitioner's entitlement was not being acceded to, it was a rejection for the Petitioner. If the representations are not being answered, the solution is not to keep on making representations, that too for a decade. Nothing stopped the Petitioner from approaching this Court earlier as the Petitioner has done now.

5. On this conduct of the Petitioner in not exercising his right for more than a decade and then claiming monetary benefit with retrospective effect, we decline to exercise our writ jurisdiction, as the cause suffers from gross delay and laches. If the Petitioner chooses to

follow any other course of action, it is always open to the Petitioner to pursue the same, as per law.

6. Writ Petition is accordingly rejected.

(AMIT BORKAR, J)

(NITIN JAMDAR, J)

Lata Panjwani, P.S.