

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.904 OF 2022

Pradip Shantaram Korade .. Petitioner
v/s.
The State of Maharashtra & Ors. .. Respondents
....

Mr. Sanjiv Sawant, i/b. Samir M. Suryawanshi, for the Petitioner.

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

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

DATE : 1 FEBRUARY 2022.
(Through Video Conferencing)

P.C:-

The Petitioner is seeking a relief that the Respondents be directed to give benefit to the Petitioner of the Government Resolution dated 31 July 2009, that is to appoint/absorb the Petitioner as a primary teacher in the services of the Zilla Parishad. This claim is made on the basis that the Petitioner had worked from 3 October 2000 to 2007 as voluntary teacher in a Vasti School and the Government Resolution dated 31 July 2009, as reiterated by Government Resolution dated 1 March 2014, provide for such absorption. The Petitioner has relied upon orders passed by this Court. The first order

being of 13 October 2010 in Writ Petition No.2254 of 2010 and others.

2. Considering the fact that what is sought is a writ of mandamus to direct appoint/absorb a post which is filled-in through public participation for which there are various claimants, the delay and laches on the part of the Petitioner for seeking such a relief cannot be overlooked. The learned Counsel for the Petitioner states that similarly situated candidates have been given the relief. Even if that is to be accepted, the first batch of such teachers approached the Court in the year 2010. Nothing stopped the Petitioner from approaching the Court earlier. Eight years after the entitlement arose, that is from the G.R. of 2009, the Petitioner had filed a writ petition for a simplicitor direction to dispose of the representation. The petition was disposed of on 16 March 2017. Thereafter, a decision adverse to the Petitioner is taken by order dated 20 September 2017. Even at this stage, the Petitioner did not come to the Court immediately. Three years thereafter, the Petitioner made another representation on 23 October 2020 and then filed the present petition.

3. Therefore, the Petitioner's entitlement arose in the year 2009. First petition for getting representation to be decided was filed in 8 years thereafter in 2017. After adverse order was passed in 20 September 2017, present petition is filed on 17 December 2020. Therefore, merely on the argument that identically situated candidates

have been given relief in the past, the Petitioner cannot overcome the ground of delay and laches, which are material to consider while exercising writ jurisdiction. If the Petitioner's argument of passing similar orders is accepted, such claims can be raised any time, irrespective of the time taken to come to Court and irrespective of the facts of each case. As of today, the Petitioner is seeking to enforce a right that arose in the year 2009 after 13 years. While exercising writ jurisdiction, the Court cannot be unmindful that there is a keen competition for employment and there are various claimants for each post.

4. In such circumstances, we decline to exercise the writ jurisdiction. The writ petition is rejected.

(AMIT BORKAR J.)

(NITIN JAMDAR, J.)