

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14161 OF 2018

Mohammad Salim Yusuf Shaikh. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

Mr.Hanif Shaikh i/b. Yusuf Shaikh for the Petitioner.

Ms.S.S.Bhende, AGP for Respondent No.1.

Mr.Rajdeep Khadapkar for Respondent Nos.2 and 3.

CORAM : NITIN JAMDAR AND
AMIT B. BORKAR, JJ.

DATE : 5 January 2022.
(Through Video Conferencing)

P.C. :

Heard the learned counsel for the parties.

2. The Petitioner is seeking an appointment to the post of Assistant Teacher with the Respondent- Corporation based on the merit list published by the Maharashtra State Examination Council with retrospective effect.

3. The Petitioner had appeared for the centralized Common Entrance Test (CET) which was held in the year 2008 and

based on his placement in the merit list prepared pursuant to the CET conducted in the year 2008 that the Petitioner has filed this petition.

4. The petition is filed on 15 October 2018 and, therefore, the first question that would arise is delay and laches. The learned counsel for the Petitioner submits that the Petitioner has made representations and, in fact, on 21 March 2017, the Respondent-Corporation had appointed some persons based on the merit list prepared in the year 2010, yet the Petitioner was not given this benefit and that in spite of representations the Petitioner was not appointed and, therefore, the Petitioner cannot be faulted for delay and laches.

5. The CET conducted in the year 2010 generated a merit list. Even assuming that the merit list of the year 2008 was for a different subject, the position is that the petition filed in the year 2018 for issuing a writ to give effect to the merit list of 2008 suffers from gross delay and laches.

6. No relief can be granted to the Petitioner. Writ petition is accordingly rejected.

(AMIT B. BORKAR, J.)

(NITIN JAMDAR, J.)