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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 810 OF 2021

Shri Amit Kumar .. Petitioner
Vs.
Bank of Baroda .. Respondent

Ms. Fatima Lakdawala, for the Petitioner.
Mr. Lancy D'Souza a/w Ms. Deepika Agarawal i/b Mr. V. M.
Parker, for Respondent - Bank of Baroda.

**CORAM : DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE : FEBRUARY 22, 2022

P.C. :

1. This writ petition was instituted on January 6, 2021 claiming the following reliefs:

"a) The Hon'ble Court be pleased to issue a Writ of Mandamus/Certiorari or Writ of in nature of mandamus/Certiorari or any appropriate Writ or direction or Order to the Respondent to release the Promotion of the Petitioner in the SMG SCALE-V.

b) The Hon'ble Court be pleased to issue a Writ of Mandamus/Certiorari or Writ of in nature of Mandamus/Certiorari or any appropriate Writ or direction or Order to the Respondent to publish revised list of promotion of officers in which the name of the Petitioner be published, which was circulated on 01.12.2018 whereby the wait listed officers beyond wait list no. 84 were given promotion barring the Petitioner while ignoring his wait list serial no. 84."

2. Perusal of the writ petition would reveal that the promotion list of officers in SMG SCALE-V was published on December 1, 2018. Such list, however, did not include the name of the petitioner. According to the petitioner, he was at serial no.84 of the wait list, but wait listed officers beyond no.84 were given promotion illegally.

3. That being the admitted case, the petitioner should have challenged the promotion list within six months thereafter and at any rate, within a year of the promotion list being published unless, of course, he had sufficient reasons not to approach the Court earlier. We do not see any explanation in the writ petition as to why the petitioner waited for more than a year to approach this Court with the present writ petition. Law has been laid down in the decision reported in (1975) 1 SCC 152 (**P.S. Sadasivaswamy vs. State of Tamil Nadu**) to the following effect:

“2. *** A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. ***”

4. In such view of the matter, we find no reason to grant relief to the petitioner as claimed. Rule stands discharged. The writ petition stands dismissed. No costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)