TRUSHA TUSHAR MOHITE
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2473 OF 2018

Diana Gaurav Dodti ..... Petitioner

Vs.

Municipal Corporation of Greater Mumbai ..... Respondents

Ms.Vidula S. Patil for the petitioner

Mr.R.S.Alange a/w Ms.Vandana Mahadik for MCGM

CORAM: S.V. GANGAPURWALA &
DHIRAJ SINGH THAKUR, JJ.

DATED : JUNE 10, 2022

P.C.

1. Pursuant to the advertisement, the petitioner applied for the post of Trained Graduate Teacher. According to the petitioner, petitioner's name appeared in the select list. Petitioner was not communicated about her selection. The petitioner delivered a baby on 01.01.2013. It is only at the end of June, 2013, petitioner received a letter from the respondents that her name is deleted from the select list. Petitioner immediately on 06.07.2013 approached the authority. Various correspondence were made to get the

information. However, to no avail.

2. Name of the petitioner was deleted without giving opportunity to the petitioner. The learned counsel submits that petitioner did not receive the communication dated 04.01.2013 alleged to have been addressed by the respondents to the petitioner of her selection. Even otherwise, the respondents were required to wait for six months before taking up any fresh process. Fresh process was taken in June, 2013. Same is also erroneous. The learned counsel submits that for the irregular acts of the respondents, petitioner cannot be made to suffer.

3. The learned counsel for the respondents submits that the respondents were not duty bound to communicate the petitioner, still letter was issued to the petitioner on 04.01.2013 informing the petitioner that she has been selected. The petitioner did not join. Thereafter, on 13.06.2013 fresh advertisement was issued and selection process was undertaken.

4. We have considered the submissions. It is not

disputed that the petitioner had applied pursuant to the advertisement of the year 2012. The petitioner's name appeared in the select list. There are averments about the respondents communicating of her selection and the petitioner not receiving communication. Be it as it may, it is not disputed that the select list was displayed on the notice board. Fresh selection took place on 13.06.2013 and the select list was prepared afresh. 161 posts are already filled up. Petitioner filed Writ Petition for the first time in June, 2017. Appointments are made. Post are filled in. If the petitioner would have approached earlier, court would have come to the aid of the petitioner. However, as all the posts are filled in and subsequent, selection process has also come to an end, it would not be possible to grant relief to the petitioner.

5. Writ Petition as such is disposed of. No costs.

(DHIRAJ SINGH THAKUR,J.) (S.V. GANGAPURWALA, J.)