

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO.1882 OF 2022

Geeta Ganeshrao Rathod
(married name Sau. Geeta w/o Gopal Chawhan). **Petitioner.**

Versus

The State of Maharashtra, thr. its
Secretary, Food and Civil Supplies Department,
Mantralaya, Mumbai and ors. **Respondents.**

Shri N.S. Khubalkar, Counsel for the petitioner.
Shri M.J. Khan, Assistant Government Pleader for the respondents 1 to
3.

**CORAM : DIPANKAR DATTA, CJ &
AMIT B. BORKAR, J.
APRIL 20, 2022.**

PC:

1. Heard learned counsel Shri N.S. Khubalkar for the petitioner and learned Assistant Government Pleader Shri M.J. Khan for the respondents 1 to 3.

2. The challenge in this writ petition is to the judgment and order dated 6.7.2018 passed by the Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur rejecting Original Application No.695 of 2017 of the petitioner on merits. The petitioner had approached the tribunal questioning the selection of the respondents 4 and 5 for appointment on the post of Supply Inspector in the Open Category (Women General) and for quashing of the select list published on 8.9.2017. It was also prayed before the tribunal that the official respondents be directed to declare the petitioner as entitled to appointment on one such post on the basis of the marks obtained by her in the written examination.

3. The tribunal has assigned reasons for not accepting the claim of the petitioner. We need not examine the legality of the reasons so assigned by the tribunal for a different reason altogether. Although the tribunal had rejected the original application on 6.7.2018, the

petitioner invoked the writ jurisdiction of this Court by instituting this writ petition under Article 226 of the Constitution of India on 30.9.2020.

4. It is not in dispute that the select list for appointment on the post of Supply Inspector upon expiry of a period of one year from its publication during which it was valid, ceased to exist.

5. The Supreme Court in its decision reported in **(1996) 2 SCC 7 (State of Bihar and ors vs. Md. Kalimuddin and ors)** has held that once the validity of the panel or list expires after one year, even the Court cannot stop the panel or list from lapsing in exercise of judicial discretion unless the constitutional validity of the recruitment rules in terms whereof the list has been prepared is questioned.

6. Obviously, this writ petition has been filed much after the damage was done and, therefore, notwithstanding the fact that the petitioner might have genuine reasons for which she could not approach the Court at the earliest after the judgment and order impugned in this writ petition was delivered by the Tribunal, we are unable to entertain the writ petition in view of cesser of the select list.

7. In such view of the matter, the writ petition is dismissed.

8. No costs.

(AMIT B. BORKAR, J.)

(CHIEF JUSTICE)

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