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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 453 OF 2020

Smt. Swati Pradeep Kamble

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

Mr. Abhishek P. Deshmukh a/w Ms. Bhakti Wast for petitioner.

Mrs. R. A. Salunkhe, AGP for respondent nos.1 to 3/State.

**CORAM: S. V. GANGAPURWALA, ACTING CJ. &
SANDEEP V. MARNE, J.**

DATE: JANUARY 16, 2023

P.C.:

1. The petitioner was appointed in the year 2004 as 'Investigator'. One of the conditions in the appointment order was that the petitioner shall pass MS-CIT Exam and furnish the certificate to that effect. The petitioner failed to submit the same. Twice notices were issued to the petitioner for submitting the said certificate but the petitioner did not submit it. The petitioner was terminated from service in the year 2006. The petitioner filed original application bearing No. 379 of 2006 before the Maharashtra Administrative Tribunal (hereafter "the Tribunal", for short). The original application was dismissed on 19th January, 2007. The said order is assailed in the year 2020 before this Court by present writ petition.

2. The learned advocate for the petitioner submits that the petitioner had, in fact, passed the MS-CIT examination in the year 2006, however, could not submit the certificate. Immediately after

appointment, the petitioner was married and as such could not complete MS-CIT examination within the stipulated time. This aspect needs to be considered. The learned advocate for the petitioner has given the representation to the respondents. The petitioner seeks direction to consider the same.

3. It would not be possible for us to consider the prayer of the petitioner after a long hiatus of 15 years. Admittedly, the condition of passing of MS-CIT examination and production of certificate to that effect was not complied with.

4. As far as the request of the petitioner for direction against the respondents to consider the representation, it is for the petitioner to prosecute the said representation as may be permissible under law.

5. The writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)