



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4435 OF 2024

Anjum Begam Abdul Khadir ...Petitioner

Versus

The State of Maharashtra & Ors ...Respondents

...
Mr. S. E. Sarode h/f Mr. C. V. Thombre, Advocate for
the Petitioner

Ms. Neha Kamble, AGP, for the Respondents – State
...

CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ
DATE : APRIL 29, 2024

ORDER (PER R. M. JOSHI, J)

1. Petitioner seeks direction against Respondent No. 4 to appoint her as "Shikshan Sevak" pursuant to her interview conducted for the said post on 15.12.2008.

2. Petitioner claims to have possessed HSC, D.Ed qualification. She had applied for the post of "Shikshan Shevak" and was issued call letter for interview on 15.12.2008. She attended the interview on that day and was placed in the waiting list. It is further case of the Petitioner that in spite of being

kept on waiting list, no order of appointment is issued to her till 2022 and the candidates who had secured less marks than the Petitioner were appointed. Petitioner, therefore, submitted representations dated 05.09.2022 and 13.08.2023. She claims that Education Officer (Primary) had issued a communication dated 11.08.2023 intimating that appropriate action would be taken in the matter. However, since no action is taken thereafter, present Petition is filed.

3. Learned Counsel for the Petitioner submits that the documents placed on record clearly indicate that the Petitioner was called for interview on 15.12.2008 and in spite of the same, she was not issued with a letter of appointment. It is submitted that the candidates who had secured less marks than the Petitioner had already been appointed on the post of Shikshan Sevak and as such, the Writ Petition deserves to be allowed.

4. Learned AGP opposed the said submissions by contending that the Petition deserves to be dismissed on the ground of delay and laches. To support said

submissions, she placed reliance on judgments of Hon'ble Supreme Court in case of Surjeet Singh Sahani Vs. State of Uttar Pradesh and Others, (2022) 15 SCC 536 & Chairman/Managing Director, Uttar Pradesh Power Corporation Ltd and Others Vs. Ram Gopal, (2021) 13 SCC 228. It is also submitted that the Petitioner does not get any right to claim the appointment merely for the reason that she was called for interview. It is submitted that there is no material on record to indicate that the person having secured less marks were appointed by denying the appointment to the Petitioner.

5. There cannot be dispute with regard to the position of law that no right of appointment is created in favour of a candidate on the basis of call for interview. Petitioner was called for interview for the post of "Shikshan Sevak" by letter dated 02.12.2008 and that she was interviewed on 15.12.2008. For about 15 years, thereafter Petitioner did not take any steps for securing the appointment. No communication was made nor there is any material on record which indicates that the Petitioner was pursuing her claim before the Authorities, who refused to consider the same. Record

indicates that after 15.12.2008 it is only for the first time on 05.09.2022 a communication was addressed to the Authority. Petitioner does not explain the reason for not approaching to the Authorities for such long period of time. In view of settled law as it reflects from the judgments cited supra, that inordinate delay and laches on the part of the Petitioner disentitles her for seeking any relief. Apart from this, a mere representation would not extend period of limitation. Even though for filing a Writ Petition there no period of limitation is prescribed, it is expected that a aggrieved person would approach the Court expeditiously and within a reasonable time. In the instant case, Petitioner has slept over her purported claim for inordinately long period without showing any cause/reason or justification for not pursuing her cause. We, therefore, are not inclined to consider the request of the Petitioner for issuing Writ of Mandamus to the Respondent/Authorities for issuance of order of appointment to her.

6. Before parting, we would like to highlight recent trend noticed by this Court that the right to

pursue a cause of action as recognized by the Constitution of India, is being misused by certain persons for the purpose of pressurizing the State as well as Government Officials to make them to accept unreasonable demands. It is often noticed that many of such grievances are not redressable under the provisions of law but by pressurizing Government Officials by issuing threats of fast unto death or self immolation etc.. Present case is one of such examples of adoption of pressurizing tactics and the Authorities concern succumbing to the same. In spite of the fact that the Petitioner did not approach the concerned Authority for a period of 15 years and only because she had threatened to go on a fast, authorities concerned issued letter in order to dissuade her from doing so. We strongly deprecate such pressurizing tactics adopted by the people in order to get relief most of the times which they are not entitled to. We could have imposed costs on the Petitioner, but for the fact that the Petitioner is a lady and is without income, we do not propose to do so.

7. In view of the above, this Writ Petition is dismissed. No order as to costs.

(R. M. JOSHI, J)
Malani

(RAVINDRA V. GHUGE, J)