



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

41 WRIT PETITION NO. 4736 of 2024

Thakuba Ganpat ShelkePetitioner

versus

The State of Maharashtra & othersRespondents

.....

Mr. R. P. Bhumkar, Advocate for the Petitioner.

Mr. V. M. Kagne, AGP for the State.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 6th MAY, 2024.

PER COURT :

1. The Petitioner is before us for claiming a relief which pertains to his promotion of 1985.

2. According to the Petitioner, he had tendered Applications for seeking promotions, on 18.01.1985, 11.10.1987, 17.11.1987, 11.12.1987, 17.11.1989, 11.12.1989, 16.12.1991, 10.01.1992, 15.05.1993 and 22.07.1994. These representations have been filed in between 35 to 39 years ago, are said to be pending. It is claimed that the proposal for promotion was forwarded on 19.12.1989 to the Director of Education, Maharashtra State, Pune. The Petitioner has

superannuated in 2001. (The Petitioner is not remembering the exact date of his retirement).

3. It is settled that tendering a representation does not infuse life into a dead cause of action. Recently, the Hon'ble Supreme Court has delivered a judgment on 08.04.2024 in Special Leave Petition (Civil) No. 31248/2018 (Pathapati Subba Reddy (died), through L.Rs. & others vs. The Special Deputy Collector (L.A.), concluding that a right or the remedy must come to an end or cease to exist if the claimant is sleeping over the rights. He has not agitated for a long duration, rendering the delay inordinate and the conduct of the claimant being negligent and being not diligent.

4. In the present case, the Petitioner was never promoted. He requested for promotion by the first representation dated 18.01.1985. The last request for promotion is dated 22.07.1994. He superannuated in 2001. In between 35 to 39 years ago, the Petitioner prayed for promotion. Thereafter, the Petitioner went into deep slumber. After 23 years, he desires that the issue as to whether he was eligible for promotion, whether his juniors were promoted and he was deprived of promotion and whether there can be a deemed

promotion and the benefits could be computed notionally, should be considered..

5. We are afraid that entertaining such a Petition after 35 years is impermissible. A Writ of Mandamus cannot be issued.

6. **This Petition is therefore dismissed.**

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

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