

JPP

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

WRIT PETITION NO. 7914 OF 2021

Haji Malang Gaibusab Hulkund and Ors. ... Petitioners

V/s.

The State of Maharashtra and Ors. ... Respondents

with

WRIT PETITION NO. 8864 OF 2022

Ashpak Arashid Shaikh ... Petitioner

V/s.

The State of Maharashtra and Ors. ... Respondents

Mr. Sameer Kumbhakoni for the Petitioners

Dr. Uday Warunjikar with Mr. Sumit Kate for Respondent No.4

Mr. S.B. Kalel, AGP for Respondent Nos. 1 to 3

***CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.***

DATE : 08 JANUARY 2024

P.C. :-

The Petitioners, who are four in number are seeking a

simplicitor direction to Respondent No.4 to allow them to join the services with Respondent No.4. They seek this prayer on the basis of an order issued by the Deputy Director of Education on 22 June 2005. According to the Petitioners, in view of this order, since the Management was transferred, the Respondent No.4 was under obligation to absorb them in the service.

2. Apart from the merits of this claim, we have to note that what effectively the Petitioners seek is enforcement of the order dated 22 June 2005 by filing a Petition in December 2019. The only explanation that is sought to be given only by the Petitioners is that they had made the representations. It cannot be that the Petitioners keep making the representations for 20 years. It can be thus seen that the Petitioners have not prosecuted their claim diligently as without any justifiable reasons the Petitioners have waited for two decades. On the ground of delay and laches we are not inclined to interfere.

3. The Writ Petitions are accordingly rejected.

M.M. SATHAYE, J.

NITIN JAMDAR, J.

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