



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

52 WRIT PETITION NO. 4923 OF 2025

SANJAY BABURAO NAHIDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

Mr. Y.B. Bolkar, Advocate for the petitioner
Mr. K.S. Patil, AGP for the respondent-State.
Mr. S.R. Dheple, Advocate for respondent Nos. 2 and 3.

CORAM : KISHORE C. SANT, J.
DATE : 15.04.2025

PC :-

01. Heard learned Advocate for the petitioner. The petitioner has challenged an order dated 29.01.2013 passed by the Chief Executive officer, Zilla Parishad, Jalgaon. By way of the impugned order, the petitioner is held guilty and has taken action of stoppage of one increment with permanent effect. The learned Advocate for the petitioner has relied upon order passed by this Court in similar Writ Petition No. 11403 of 2019 with connected petition dated 19.09.2019 and Writ Petition No. 7787 of 2020 with connected petition dated 27.11.2020. He submits that both the orders were passed on the basis of judgment reported in **2018 SCC OnLine Bom. 21407** in the case of **Jayprakash Sahebrao Suryawanshi & Ors. Vs. State of Maharashtra and Ors.**

02. The learned Advocate for the Zilla Parishad vehemently opposed the petition on the ground of delay and laches. Learned AGP also opposes the petition on the ground of delay and laches. Both the learned Advocates for the respondents pointed out that there is remedy of filing appeal before the Divisional Commissioner. They pray for rejection of the petition.

03. Heard learned Advocate for the petitioner. He points out para No.16 of the petition. It is stated in the said para that the petitioner could not approach this Court earlier due to unavoidable circumstances and due to lack of knowledge of the judgment and order passed by this Court in similar Writ Petition. So far as alternative remedy is concerned, he submits that the Commissioner had rejected all the appeals filed by other similarly situated persons and consequently the Writ Petitions were filed.

04. This Court is not convinced by any of the reasons stated in para No. 16 of the petition. So far as delay and laches is concerned, the reason cannot be said to be sufficient. The petitioner has approached this Court after 12 years of the impugned order. So far as bypassing

remedy of appeal is concerned, this Court finds that no satisfactory reason is given. Merely because in earlier point of time, this Court had entertained similar type of writ petitions is no ground to allow the petition as in those petitions the delay was of six years. Though the delay was not reasonable, this Court used discretion. In the present case, it is clear that the petitioner is not aggrieved by the order, as such he has approached this Court only because some other similarly situated persons have approached this Court and their Writ Petitions are allowed. Even considering that last such order is passed on 27.11.2020 and it is now after four years the petitioner has approached this Court, looking from this angle also, no case is made out to condone the delay and laches. In view of the same, this Writ Petition stands dismissed with no order as to costs.

[KISHORE C. SANT, J.]