

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

WRIT PETITION NO. 3630 OF 2025

Dr. Manorama Sunil Aware

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Uday Malte a/w Mr. Shrishailya Deshmukh, Advocate for the
Petitioner.

Ms. Rupali Shinde, AGP for Respondent No.1/State.

Mr. Abhijit Kulkarni a/w Mr. Abhishek Roy, Mr. Shreyas Zarkar,
Advocate for Respondent Nos.2 to 4.

Mr. Prathamesh Bhargude, Advocate for Respondent No.5.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

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P.C. :-

1. The Petitioner has put forth Prayer Clauses (C) (D) and
(E), as under :-

*“(C) By issuing appropriate Writ, Orders, direction the
appointment of the respondent No.5 may kindly be
quashed and set aside;*

*(D) The Regular Civil Suit No.253/2006 may kindly
be directed to be decided within a period of three
months or as deem fit by this Hon’ble Court and till
that time the promotional procedure for the post of
Deputy Administrative Officer, Education Department,*

Pune Municipal Corporation, on the establishment of respondents No.2 to 4 may kindly be stayed & kept in abeyance;

(E) Pending hearing & final decision of present Writ Petition the procedure of promotion for the post of Deputy Administrative Officer, Education Department Pune Municipal Corporation, on the establishment of respondents No.2 to 4 may kindly be stayed & kept in abeyance;”

2. We have heard the learned Advocate for the Petitioner, the learned AGP on behalf of the State, the learned Advocates on behalf of Respondent Nos.2 to 4 and for Respondent No.5.

3. We are dismissing this Petition purely on the ground of enormous delay.

4. Respondent No.5 was appointed on 1st June, 2004. The Petitioner was appointed on 11th June, 2012. Respondent No.5 has always been senior to the Petitioner. The seniority list was published every year and on each occasion, objections were called prior to formalizing the seniority list. Opportunity to the Petitioner to raise objections, was undisputedly granted. Till today, the Petitioner has not challenged any seniority list before this Court.

5. Now that the Corporation is proceeding to carry out the promotions for the post of Deputy Administrative Officer, Education Department, Pune Municipal Corporation, that the Petitioner has preferred this Petition on 5th March, 2025, contending that the very appointment of Respondent No.5 as in 2004 (21 years ago), is an illegal appointment.

6. The Petitioner is in service since 2012, and is watching the seniority list wherein Respondent No.5 was always senior to the Petitioner. For the last 12 years, the Petitioner has not raised any objection on any seniority list. Today when the promotional posts are being filled in, the Petitioner desires to challenge the very appointment of Respondent No.5 w.e.f. 1st June, 2004, alleging that it is an illegal order.

7. In our view, notwithstanding the delay and the claim of the Petitioner that she was ignorant about the seniority of Respondent No.5, the fact remains that today the Petitioner does not have the locus to make an allegation against an appointment, which is 21 years old and made 8 years prior to her own appointment. Many appointments made along with Respondent No.5, have not

been challenged by the Petitioner and it is only Respondent No.5, who is singled out for such a challenge. So also, there is a Regular Civil Suit No.253 of 2006 pending before the Civil Court, to which, the Petitioner is not a party.

8. In view of the above, this **Writ Petition is dismissed.**

9. We were inclined to impose cost of Rs.25,000/- since we found that this is a frivolous Petition. However, the learned Advocate for the Petitioner prays that cost should not be imposed. Hence, no order as to cost.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)