

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11574 OF 2025

Rekha Narayanrao Mudkhedkar ...Petitioner  
*Versus*  
The State of Maharashtra and ors. ...Respondents

Mr. Nitin Gaware Patil with Mr. Divyesh Jain, for the Petitioner.  
Ms. Rupali Shinde, AGP, for the Respondents Nos.1, 3 and 4/State.

CORAM: SUMAN SHYAM &  
MANJUSHA DESHPANDE, JJ.

DATED: 11<sup>th</sup> SEPTEMBER, 2025.

PC:-

1. Heard Mr. Nitin Gaware Patil, learned counsel for the Petitioner and Ms. Rupali Shinde, learned AGP for the Respondents Nos.1,3 and 4/State.

2. The judgment and order dated 23<sup>rd</sup> June, 2025 passed by the learned Maharashtra Administrative Tribunal (MAT), Mumbai Bench in Miscellaneous Application No.470 of 2024 arising out of Original Application (OA) No.947 of 2024 declining to entertain the OA filed by the Petitioner on the ground stated therein, has been put under challenge by filing the present Writ Petition. It appears that the Respondent No.5 herein, as Applicant, had earlier filed OA No.1139 of 2023 before the MAT, questioning the appointment/promotion of the Writ Petitioner to the post of Deputy Director. By the judgment and order dated 12<sup>th</sup> July, 2024,

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the said Original Application was allowed by the learned MAT. Consequently, the appointment of the present Writ Petitioner to the post of Deputy Director was quashed. It appears that the judgment and order dated 12<sup>th</sup> July, 2024 passed in OA No.1139 of 2023 was assailed by the Writ Petitioner before this Court by filing a Writ Petition which was dismissed. Thereafter, Special Leave Petition (SLP) was preferred before the Hon'ble Supreme Court, which is pending disposal. After the judgment and order dated 12<sup>th</sup> July, 2024 passed in OA No.1139 of 2023, the Writ Petitioner, as Applicant has instituted OA No.947 of 2024 alongwith Miscellaneous Application No.470 of 2024 for condonation of delay, thus assailing the initial appointment of the Respondent No.5 vide order dated 30<sup>th</sup> March, 2011, after more than a decade, on the ground that she was not eligible to be appointed as Medical Superintendent since she was not a domicile of the State of Maharashtra but was a domicile of the State of Karnataka. The Miscellaneous Application No.470 of 2024 was for condonation of delay.

3. After taking cognizance of the explanation for delay submitted by the Writ Petitioner/Applicant, the learned MAT had passed the impugned order dated 23<sup>rd</sup> June, 2025 making the following observations *inter-alia* holding that the application was not made bonafide.:-

“9. When, admittedly, the applicant was Respondent No. 3 in O.A. No. 1139/2023 and was head, it would be apparent that her stand in the present application about having acquired knowledge pursuant to the decision in O.A. No.1139/2023 doesn't suit her stand rather would reflect adversely on her bonafides. It would have

been appropriate for her, even if she was to toe her stand and ground of belated acquisition of knowledge regarding appointment of Respondent No.5, the applicant ought to have expressly mentioned as to when did she cause appearance in O.A. No.1139/2023. At the most, that could have been the crucial date to attribute knowledge on her part about appointment of Respondent No.5. Therefore, in our considered view the applicant has not been bonafide in disclosing her date of appearance in O.A. No.1139 of 2023 filed by Respondent No.5.

10. Apart from the improbability in the stand of the applicant being oblivious of alleged illegalities in the matter of appointment of Respondent No. 5 in the year 2011 as a Medical Superintendent, admittedly, the applicant has not made any attempt to file Original Application seeking to take any objection to the appointment of Respondent No.5 as Medical Superintendent. Apparently, she waited for the O.A.No.1139/2023 to be decided and has thereafter chosen to file the Original Application and is now praying for condonation of delay, ex-facie with an ulterior objective of defeating the decision in that Original Application.

12. Even if, as mentioned in para 4 of the rejoinder filed by the applicant, she had tried to raise the issue in O.A. No.1139/2023, but the High Court had directed her to submit separate Original Application, by passing appropriate order on 17.7.2024, the applicant was not obliged to do so. She could have either challenged that order or could have agitated that issue in the Writ Petition preferred by her and pending before the High Court. Consequently, the applicant cannot be allowed to take excuse in not pursuing her stand regarding non submission of Non Creamy Layer Certificate by Respondent No.5, while she was being

appointed as a Medical Superintendent way back in the year 2011.”

4. After hearing the submissions of the learned counsel for the Petitioner and after going through the material on record, we do not find any justifiable ground for taking a different view in the matter. Rather, we are of the view that after the order dated 12<sup>th</sup> July, 2024 passed in OA No.1139 of 2023, the Writ Petitioner/Applicant had instituted OA No. 947 of 2024 as a counter-blast to the said order dated 12<sup>th</sup> July, 2024. Therefore, we agree with the observations of the learned MAT that the bonafide of the Applicant is in serious doubt.

5. For the reasons given above, the Writ Petition is held to be devoid of merit and accordingly, the same is disposed of.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)