



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13571 OF 2025

Babu Shankar Shinde (Decd), through LR
Deepak Bandu Gaidhani ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 9747 OF 2021
(Not on board, taken on board)

Balu Ratan Kokate, Legal heir of Kisan
Raoji Kokate ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 7227 OF 2023
(Not on board, taken on board)

Mayur Rangnath Dhanavate & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 8494 OF 2024
(Not on board, taken on board)

Shankar Zumbarrao Dhanwate ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Vaibhav D. Kadam a/w. Mr. Shrinath Badade, Mr. Rayyan Shah for the
petitioners.
Ms. M.S. Bane, AGP for the State.
Mr. Narendra Bandiwadekar a/w. Ms. Amita Chaware for respondent nos. 5 to 8 in
WP/9747/2021, WP/8494/2024.
Ms. Amita Chaware for respondent nos. 4 and 5 in WP/13571/2025 and
WP/7227/2025

CORAM:
G. S. KULKARNI &
AARTI SATHE, JJ.
DATE: 19 November 2025

P.C.

1. We have heard learned counsel for the petitioners and learned counsel for the respondents. The cause of action as arisen to the petitioners as also the prayers made in these petitions are similar. The prayer of the petitioners is for a direction to respondent no. 5 to provide employment to the petitioners as per the Agreement dated 20 February, 1968 or Agreement dated 28 March, 1964 respectively. We note the prayers as made in Writ Petition No. 9747 of 2021 as also in other petitions, which reads thus:

“Writ Petition No. 13571 of 2025

- a) Rule be issued;
- b) That this Hon'ble Court be pleased to issue Writ of Mandamus and order/direction/writ in the nature c Writ of Mandamus or any other appropriate writ to the Respondent No. 4 to 5 to provide employment to the legal heirs of the land owner whose land was acquired through private negotiation vide agreement dated 28.03.1964;”

Writ Petition No. 9747 of 2021

- a) Rule be issued;
- b) that this Hon'ble Court be pleased issue Writ of Mandamus and order/direction/writ in the nature of Writ of Mandamus or any other appropriate writ thereby directing the Respondent No. 5 to provide the employment to the Petitioner as per the Agreement dated 20.02.1968 And/or
- c) that this Hon'ble Court be pleased issue Writ of Mandamus and order/direction/writ in the nature of Writ of Mandamus or any other appropriate writ to the Respondent No. 5 to provide the Payment since 2001 as per the Criteria to the Petitioner along with timely promotion and the overtime payments as he is working as a "Post Messenger" with the Respondent No. 5 at Eklahare Thermal Power Plant as per the letter dated 05.05.2012 of Respondent No. 5. And/or
- d) that this Hon'ble Court be pleased to issue Writ of Mandamus and order/direction/writ in the nature of Writ of Mandamus or any other appropriate writ to the respondent no. 5 to appoint the petitioner as Head Time Keeper as per the Criteria.

Writ Petition No. 7227 of 2025

- a) Rule be issued;
- b) that this Hon'ble Court be pleased to issue Writ of Mandamus and order/direction/writ in the nature of Writ of Mandamus or any other appropriate writ thereby directing the Respondent No. 4 and 5 to absorb in the employment to the petitioner as he was appointed vide appointment letter dated 11.11.2011 on the post of Junior Laboratory Chemist without insisting upon the production of certificate as project affected person and/or
- c) that this Hon'ble Court be pleased issue Writ of Mandamus and order/direction/writ in the nature of Writ of Mandamus or any other appropriate writ to the Respondent No. 4 and 5 to provide the Payment since 11.11.2011 as per the Criteria to the Petitioner along with timely promotion with the Respondent No. 4 & 5 at Parali Thermal Power Plant as per the letter dated 11.11.2011 of Respondent No. 4 & 5."

2. At the outset, it is clear that the prayers as made by the petitioners is in respect of claim for employment on the ground that the land belonging to the petitioners' grandfather was acquired for the purposes of respondent no. 5 and in lieu of such acquisition apart from the land acquisition award, an agreement dated 20 February, 1968 or the Agreement dated 28 March, 1964 was entered between the petitioners grandfather and respondent no. 5 [at the relevant time Maharashtra State Electricity Board Ltd. now respondent nos. 4 and 6, namely, Maharashtra State Power Generation Co. Ltd. and Maharashtra State Electricity Board (Holding Company)].

3. At the outset, we made a query to the learned counsel for the petitioner as to how the present petitions which are filed almost 57 years from the date of the said agreement and that too for enforcement of an agreement entered on 20 February, 1968 would be maintainable and as to what are the reasons for such delay as explained by the petitioners. Responding to the same, our attention is drawn to

paragraph 74 and 78 of the Writ Petition No. 9747 of 2021, in which following averments are made:

“74. The petitioner further submits that there are no delay or latches in filing the present petition as the petitioner has genuinely approached the respondent no. 5 since he was under 18 through his grandfather Kisan Raoji Kokate. However, there are several correspondences where the respondent no. 5 and the other authorities deliberately have refused him to be appointed as per the agreement and as per the criteria.

....

78.Limitation : The petitioner submit that the petition is well within the limitation.”

Similar paragraphs have been incorporated in the other petitions.

4. Possibly the petitioners were not even born when the said agreement was entered into between the parties. It is thus clear that there is no explanation whatsoever for the gross delay and latches in filing these petitions.

5. This apart, respondent nos. 4 and 6 have taken a clear stand and more particularly considering the order dated 7 February, 2025 passed by a co-ordinate Bench of this Court on Writ Petition No. 9747 of 2021 by placing on record affidavit filed by the Chairman and Managing Director of respondent no. 4 that the petitioner in Writ Petition No. 9747 of 2021 was never granted an appointment order. Also he never joined duties, on any such appointment order. It is also a categorical stand that such agreements as claimed by the petitioners itself is not available with the respondents although it is a case of the petitioners that such copy was received by the petitioners from the office of these respondents. Thus, the genuineness of these documents including the appointment order itself is

questioned on behalf of respondent nos. 4 and 6. In our opinion, even assuming that such agreement is to be acted upon, unless the genuineness of the agreement is established and which needs to be established only in the manner known to law, i.e., by the parties leading evidence and obtaining a declaration from the Competent Civil Court, as to whether such document is legal and valid. Such prayer in the present proceedings that the petitioners be provided employment under the said agreement, which are almost more than 57 years old, cannot be entertained.

6. Similar is the issue in respect of other petitions. In these petitions, there is also no explanation whatsoever on the gross delay and laches in filing the writ petitions. It is a settled principle of law that in the event any right accrues, the right is required to be asserted at the appropriate time. In the present case, it appears that merely because the petitioners are grandson of the original owners whose land is alleged to have been acquired, the prayers as made in the present petition are being asserted.

7. Thus, looked from any angle, we are not inclined to entertain these petitions, as no relief can be granted to the petitioners in the present facts in exercise of the writ jurisdiction of this Court. In any event, the petitions involve several disputed questions of facts, which cannot be gone into in adjudication of Writ Petition under Article 226 of the Constitution.

8. We, however, record the statement of Mr. Bandiwadekar, learned counsel for respondent nos. 4 and 6 that in the event advertisement is issued, the petitioner

would be permitted to participate and their candidature would be considered in accordance with the policy and as per rules. Keeping open all such avenues upon to the petitioner, we do not entertain these petitions. They are accordingly dismissed. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)