



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

**WRIT PETITION NO. 1946 OF 2026**

Robin Noble Paul

**VERSUS**

The President Maharashtra State Road Transport Corporation And Others

Mr. S. P. Dhobale, Advocate for petitioner

**CORAM : Smt. Vibha Kankanwadi &  
Hiten S. Venegavkar, JJ.**

**DATE : 23<sup>rd</sup> February, 2026**

**PER COURT :-**

1. Present petition has been filed for following relief :-

*B. By issuing appropriate writ or order and directions the respondent's authority may kindly be directed to accommodate the petitioner on post of Traffic Controller in view of the provisions of the Circulars issued by the MSRTC considering the educational qualifications and report of physical examination of the petitioner and for that purpose necessary direction be issued.*

2. Heard learned Advocate for the petitioner. No necessity to issue notice to respondents.

3. Petitioner is keen with a case.

4. Father of the petitioner was working as Traffic Controller with respondent authorities and he died during the course of employment as Traffic Controller. The petitioner was possessing the requisite qualification

for the said post and accordingly, he made application on 30.08.2007 stating that he either be appointed on the post of Traffic Controller or on the post of Clerk. The petitioner upon communication, had submitted the documents which were called upon. According to the petitioner, the respondent No. 4 informed the petitioner vide letter dated 04.01.2008 that he is not fulfilling the conditions of physical examination for the post of Traffic Controller. The petitioner was then directed to submit application for any of the post out of the post of Driver (J), Conductor (J) and Assistant (J). Thereafter, series of communications between the petitioner and the respondent No. 4 has been made and ultimately he was required to show his willingness to work on the post of Conductor. Initially, the petitioner was appointed on the post of Conductor temporarily on daily wages basis by letter dated 05.09.2008. Thereafter, also the petitioner, taking into consideration the circulation dated 11.05.2009 and 10.01.2011 made application on 23.05.2011 that respondent No. 4 with request to adjust him to the post of Traffic Controller. Respondent No. 4 had not taken any cognizance of his application. Again, applications were given on 14.09.2011, 16.09.2011. Respondent No. 4 then by letter dated 03.10.2011 had asked the petitioner to remain present before the Divisional Traffic Officer for physical examination for the appointment on the post of Traffic Controller. Though, the respondent No. 4 had reexamined the petitioner

physically, has not appointed the petitioner on the said post. On 29.03.2012, respondent No. 4 informed the petitioner that already compassionate claim of the petitioner on the post of Traffic Controller has been allowed and, therefore, the petitioner is not entitled again. The petitioner appears to have made communication to respondent No. 4 on 18.04.2012 with the same request and series continued on 15.10.2018. According to the petitioner from the date of his appointment, he is working with Depot No. 1, MSRTC, Aurangabad in the Administration Department. Now, he had made the application/representation on 06.10.2025 again to take benefit of the circular of 10.01.2011 however, no action has been taken, hence petition.

5. Here, we do not want to go much into the details but when the petitioner states that he wanted to take addition of the circular dated 10.01.2011 and he was physically examined thereafter by letter dated 29.03.2012, he was informed that already a job has been given to him on compassionate basis and he is physically unfit. His present application cannot be considered. He ought to have challenge the said communication dated 29.03.2012 immediately. The representations would not have received the response in view of the decision already taken to not give him the said post as he has already been adjusted. Now, the petition suffers from delay and latches as the said decision

dated 29.03.2012 was not challenged till date. Present petition was filed therefore, taking into consideration the huge delay, we do not find this to be a fit case where we should exercise our powers under Article 226 of the Constitution of India. Petition stands dismissed.

6. We make it clear that if at all by any other mode if he is eligible for any other post that is except on the ground of compassionate appointment then the observations in the present order will not be a bar for the petitioner.

**(Hiten S. Venegavkar, J.)**

**(Smt. Vibha Kankanwadi, J.)**

B. S. Joshi