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

934 WRIT PETITION NO. 4559 OF 2018

MAHANANDA MAHAMALESHWAR WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....

Mr A. R. Borulkar, Advocate h/f Mr N. R. Thorat, Advocate for
Petitioner

Mr S. J. Salgare, AGP for Respondent Nos1 & 2/State

.....

**CORAM : KISHORE C. SANT
AND
SUSHIL M. GHODESWAR, JJ.**

DATE : 06th MAY 2026

PER COURT :-

1. Heard learned Advocate for the petitioner and the learned AGP for the respondents/State. None is present for respondent Nos.3 and 4. This petition is taken up for final disposal by consent of learned Advocate for the petitioner and learned AGP.

2. Present petitioner was appointed as a 'Cook' w.e.f. 11/06/2001 in respondent No.4/ Adiwasi Ashram School, Kasbetadwale, Tq and Dist. Osmanabad, run by respondent No.3/Kai. Bhai Uddhavrao Patil Gramin Vikas Mandal, Kasbetadwale. In the year 2009, the said school was transferred to another institution in

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Nanded district. While the Authorities were expected to forward the name of the petitioner for absorption into the transferee school, they failed to do so. The petitioner has therefore, approached this Court in the year 2018.

3. At the outset, learned AGP raises a question of maintainability of this petition on the ground of delay and laches.

4. Learned Advocate Mr Borulkar holding for Mr Thorat for the petitioner argued vehemently that it was necessary for the Authorities to transfer the name of the petitioner alongwith the school. However, as a result of failure of the Authorities, the petitioner's services have been terminated. So far as the delay and laches are concerned, he submits that despite of his repeated persuasion, the Authorities failed to pay heed, thereby compelling him to approach this Court.

5. In support of his submissions, Mr Borulkar learned Advocate for the petitioner places copy of the order dated 06/04/2011, passed by this Court in Writ Petition No.3431/2010 (Maidabee w/o Ismail Sayyed Vs. The State of Maharashtra), where the petitioner therein was granted liberty to approach the learned School Tribunal

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against similar order for redressal of her grievance. He, therefore, prays for allowing the present writ petition.

6. Having heard the submissions of the respective parties, we are of the opinion that learned AGP is right in raising question of delay and laches. The judgment relied upon by learned Advocate Mr Borulkar in Writ Petition No.3431/2010 (supra) is of no assistance to the petitioner. In the said case, the petitioner was immediately approached this Court. In the present case, there is no justifiable reason coming forth for delay and laches of nine years. This Court, therefore, is not inclined to entertain this petition on the ground of delay and laches. Accordingly, this writ petition is dismissed. No order as to costs.

[SUSHIL M. GHODESWAR, J.]

[KISHORE C. SANT, J.]

sjk