

(2025) 12 BOM CK 0072

Bombay HC

Case No: Writ Petition No. 15859 Of 2022

Nitin Kedu Rajole

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision: Dec. 3, 2025

Acts Referred:

- Constitution Of India, 1950- Article 226

Hon'ble Judges: Aarti Sathe, J; G. S. Kulkarni, J

Bench: Division Bench

Advocate: Vaibhav D. Kadam, Shrinath Badade, Vedika Bhoir, Rayyan Shah, M.P. Thakur, Amita Chaware

Final Decision: Rejected

Judgement

G. S. Kulkarni, J

1. This petition filed under Article 226 of the Constitution of India looked from any angle is thoroughly misconceived and not maintainable. The petitioner participated in the appointment process initiated by respondent no. 4-Maharashtra State Power Generation Company Ltd., wherein one of the posts which were notified to be filled up was the post of Junior Laboratory Chemist. Advertisement No. 04-2010 in question contained a specific clause, being Clause no. (iii) which was to the effect that preference would be given to the project affected persons whose lands were acquired for Mahagenco Projects for certain posts, which included the said post. The petitioner submitted an application as project affected person. However, the petitioner did not submit any documents to show that he was a project affected persons, therefore, he was issued a notice that in the absence of such documents, the appointment which was made in his favour, namely, appointment order dated 11 November, 2011 be not cancelled. Responding to such communication, the petitioner submitted a Land Acquisition Certificate dated 7 September, 2013

issued by the Deputy Collector (Land Acquisition), which only certifies that the land bearing Gat No. 484 admeasuring 1H 81R was subject matter of acquisition, however, sans any details of the award, which showed that the land was in the name of petitioner's grandfather. Considering that such certificate would not suffice and make the petitioner eligible, as it is not the petitioner's land which was acquired, the impugned communication dated 25 May, 2016 was issued cancelling the petitioner's appointment.

2. At the outset, we may observe that what is before us is the land acquisition which had taken place in the year 1964 in regard to the petitioner's grandfather's land which was acquired. It is in respect of such land acquisition, the petitioner is claiming a benefit after almost 45 years that he is a project affected person and accordingly, entitled to be appointed on the said post as a project affected person. In our opinion, such claim is wholly untenable when the advertisement itself is clear when it says that the person applying needs to be himself a project affected person. The petitioner claiming appointment on the basis of grandfather's land being acquired almost 45 years back and claiming to be a project affected persons is in fact contrary to the advertisement itself. Certainly, the petitioner was not eligible. If such contention of the petitioner is accepted to be correct, then the advertisement would have clearly stated that the legal heirs of the original land owners whose lands were acquired in time immemorial, may be the grandfather or the great grandfather and that too which category of legal heirs would become eligible, is certainly not the condition of the advertisement.

3. Learned counsel for the petitioner has placed reliance on the decision of a cor-ordinate Bench of this Court in the case of Vijay, son of Pandarinath Aradwad & Anr. vs. State of Maharashtra & Ors. Writ Petition No. 6291 of 2010 decided on 18 October, 2010 wherein the Court was concerned with the land of the "very petitioner" being acquired for public project and it is in such context, the said order was passed. However, in the present case, it is not the petitioner's land which was acquired, as noted hereinabove. Thus, the said decision cannot assist the petitioner.

4. In our clear opinion, the petitioner intended to take a chance by claiming himself to be the project affected person and has been rightly considered not eligible for appointment. In such context, the petitioner's case is to the effect that what was expected from him, was a certificate to be submitted that he is a project affected person and at the relevant time such certificate was not being issued as a matter of policy. This contention does not impress us and more particularly considering the reply affidavit as filed on behalf of the State Government. In any event, we cannot accept the stand of the petitioner to call himself as project affected person, as accepting such contention would open floodgates of such applications, as the persons, who have appropriately understood the advertisement, did not file such application.

5. In this view of the matter, we do not find any infirmity in the decision taken by the respondent in not accepting the petitioner as a project affected person and revoking the appointment order.

6. There is another aspect of the matter when we are called upon to exercise jurisdiction under Article 226 of the Constitution, i.e., when the impugned communication cancelling the petitioner's appointment is dated 25 May, 2016, however, the present petition has been filed on 19 September, 2022. Perusal of the memo of the petition does not in any manner whatsoever explain the delay and laches. Thus, on such ground also, this petition cannot be entertained.

7. We, however, clarify that in the event in future any advertisement is issued, the petitioner would be entitled to participate in any selection process if so eligible not as a project affected person and subject to complying with the requirements of eligibility which may be notified.

8. The petition is accordingly rejected. No costs.