

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1597 OF 2015

(Shri Gajanan Narayan Gonnade vs. The Chief Officer, Municipal Council, Paoni, Dist. Bhandara & Ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
MARCH 31, 2015.**

Heard Shri Burde, learned counsel for the petitioner and Mrs. Maldhure, learned AGP for respondent No. 2.

A petition filed by the present petitioner vide Writ Petition No. 5836 of 2012 questioning the order of Scrutiny Committee dated 18.09.2012 was rejected by this Court on 03.01.2013. This Court then relied upon Full Bench judgment of this Court in the case of Ganesh Rambhau Khalale vs. State of Maharashtra, reported at AIR 2009 Bom. 122, to reject the prayer for protection of employment. After delivery of Full Bench judgment in the case of Arun Vishwanath Sonone vs. State of Maharashtra & Ors., reported at 2015 (1) Mh. L.J. 457, a review petition was filed vide MCA No. 220 of 2015 and that review petition is disposed of with liberty to review applicant/ petitioner to take such other steps as are available in law. Thereafter present petition has been filed seeking protection in employment.

Shri Burde, learned counsel, relies upon the

observations of Full Bench in para 76 of the judgment *Arun Vishwanath Sonone vs. State of Maharashtra & Ors.* (supra) to urge that this petition cannot be held as barred by principles of res judicata.

Mrs. Maldhure, learned AGP is opposing the petition.

The Hon'ble Full Bench in *Arun Vishwanath Sonone vs. State of Maharashtra & Ors.* (supra) has only laid down general principles and pointed out the need to look into individual facts as and when the challenge is presented to the Court. In present facts, a prayer for protection of employment was made in Writ Petition No. 5836 of 2012 and it has been turned down after hearing all concerned on 03.01.2013. Thereafter a review in the light of Full Bench judgment was also sought and that review was also not entertained.

In this situation, it is apparent that the earlier adjudication operates as res judicata. The review applicant was, therefore, given liberty to take such other steps as are available in law.

With similar liberty, we dispose of the present writ petition. No order as to costs.

JUDGE

JUDGE