

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5418 OF 2014

Prafulla S/o Bhaskar Madame and others

-vs-

State of Maharashtra and others

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

Court's or Judge's Orders.

Mr.M.K.Kulkarni, counsel for the petitioners.
Mr.N.S.Rao, AGP for the respondent Nos.1, 2 and 5.
Mr.H.N.Varma, counsel for the respondent Nos.3 and 4.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 06.04.2015.

By this petition, the petitioners challenge the selection process in pursuance of the advertisement dated 19/09/2013 and the examination held on 16/10/2013.

Shri Varma, the learned counsel for the respondent Nos.3 and 4, raises a preliminary objection to the tenability of the writ petition on the ground that the petitioners had filed Writ Petition Nos.368 of 2014 and 6356 of 2013 and the said writ petitions were dismissed by this Court by an order dated 09/09/2014. It is stated that after the said writ petitions were dismissed, the petitioners could not have filed this writ petition, in view of the principles of akin to the principles of constructive *res judicata*.

We uphold the preliminary objection raised on behalf of the respondent Nos.3 and 4 and decline to entertain the writ petition. The petitioners could not have filed this writ petition after the dismissal of their previous writ petitions by the order dated 09/09/2014. The relief sought

by the petitioners in the instant petition and the earlier petitions is identical and is based on the same set of facts. The petitioners cannot raise an additional ground for challenging the selection process by filing a second petition.

In view of the aforesaid, the writ petition is dismissed with costs.

JUDGE

JUDGE

KHUNTE