

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 5014 OF 2013**

JAGDISH GANGADHARRAO CHAUDHARY

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Brahme Shailesh P.

AGP for Respondent/State : Mr. S.B. Yawalkar

Advocate for Respondent Nos. 4 and 6 : Mr. S.S. Dambe

Advocate for Respondent no.7 to 16 : Mr. Mohekar Ganesh
V.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.**Dated: January 28, 2016**

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PER COURT :-

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for respective respondents.

2. The learned counsel appearing for the petitioner invited our attention to the enquiry report annexed with the Writ Petition and submitted that, though there are certain observations in the enquiry report conducted by the Deputy Director of Education, however, pursuant to such enquiry, no action has been

initiated by the Respondents against the employees who are held responsible by mentioning their names in the said enquiry report. The learned counsel appearing for the petitioner submits that, though the earlier Writ Petition No. 4052/2012 was filed by the present petitioner seeking similar reliefs, as prayed in the present Petition, since the respondents in pursuant to the said enquiry have not addressed all issues raised by the petitioner, the present Petition is filed. Therefore, relying upon the pleadings in the Petition, annexures thereto and enquiry report, he submits that, the Petition deserves consideration.

3. On the other hand, the learned counsel appearing for the Respondent Nos. 7 to 16, relying upon the affidavit in reply and also orders passed by this Court in earlier round of litigation, and in particular, Writ Petition No. 4052/2012, submits that, the petitioner is in habit of filing Petitions and raising unsustainable grievances against the Respondents, and

therefore, having been considered the similar contentions/issues as raised in the present Writ Petition, in Writ Petition No. 4052/2012, which was filed by the petitioner, and has been already disposed of by this Court, this Court may not entertain the present Writ Petition.

4. We have heard the learned counsel appearing for the petitioner, the learned counsel appearing for Respondent Nos. 7 to 16 and the learned A.G.P. appearing for the Respondent/State.

5. Admittedly, the petitioner herein had earlier filed Writ Petition No. 4052/2012. Upon perusal of the pleadings in the said Petition, we find that, similar averments were made in the said Petition. This Court, after hearing the parties, has disposed of the said Writ Petition. In our opinion, filing successive Writ Petitions seeking similar reliefs and raising similar grounds as raised in earlier Writ Petition cannot be countenanced.

6. Upon hearing the learned counsel appearing for the petitioner, it further appears that, the petitioner earlier was associated in the affairs of the trust. In our opinion, it would be setting wrong precedent to entertain the successive Petition for the same reliefs on same grounds. It appears that, the Respondent Nos. 8 to 16 are appointed in the year 2011 and in case, if anybody is aggrieved by their appointments, said aggrieved person would be entitled to take appropriate remedy as available in law. For the reasons aforesaid, we decline to entertain the Writ Petition. The Petition stands rejected.

(**P.R. BORA, J.**)

(**S.S. SHINDE, J.**)

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