

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6560/2016

(Ku. Shubhangi d/o Tejrao Deshmukh vs. The Zilla Parishad, Buldhana and another)

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

Court's or Judge's order

Mr. Nitin Jachak, Advocate for petitioner

**CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.
DATED : 23rd November, 2016.**

Heard.

By this petition, the petitioner seeks a direction against the respondent no.1-Zilla Parishad to appoint the petitioner on the post of *Shikshan Sevak*.

The relief sought by the petitioner cannot be granted. The petitioner had applied in pursuance to an advertisement issued by the respondent-Zilla Parishad on 24.5.2006 for appointment on the post of *Shikshan Sevak*, reserved for project-affected persons. The list of selected candidate was published on 14.12.2006. Three candidates including the petitioner filed an Appeal before the Grievance Committee bearing Appeal Nos. 114 & 115 both of 2008 for a direction to the Zilla Parishad to appoint them on the posts earmarked for the project affected persons. The Grievance Committee allowed the Appeal by the judgment dated 18.1.2013 and directed the Zilla Parishad, Buldana, to issue appointment orders in favour of the appellants, including the petitioner. Since the petitioner was not appointed after the appeal filed by the petitioner was allowed by the

Grievance Committee, the petitioner approached this Court in Writ Petition No. 807/2015. On hearing the parties, this Court found that the respondent nos. 4 and 5 to the Writ Petition were more meritorious and since only two posts were reserved for the project affected persons, they were selected and appointed on the said posts. After observing so, this Court dismissed the Writ Petition by the order dated 6.8.2015. The petitioner had sought a review of the order dated 6th August, 2015 in Writ Petition No.807/2015 and in the said review the fact that one of the candidates had not joined was also pointed out. Despite the fact that the aforesaid ground was raised in Review Application, the Review Application was dismissed. The petitioner cannot be permitted to raise the same ground that was sought to be canvassed in the review application by filing this second writ petition. By the instant petition, the petitioner is seeking the same relief that was sought by the petitioner in the previous writ petition bearing Writ Petition No.807/2015. The present petition would be barred by the principles akin to the principles of *res judicata*. Even otherwise, the advertisement was issued in the year 2006 and more than ten years have elapsed from the issuance of the advertisement inviting applications for appointment on the post of Assistant Teachers.

Since the petition is vexatious and devoid of merit, we dismiss the same, with costs.

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