

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

WRIT PETITION NO. 2247 OF 2017

DINKAR TUKARAM TANDALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : V.C. Patil Ashtekar
AGP for Respondents 1 to 3 : Mr R.B.Bagul

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 16th FEBRUARY, 2017

O R D E R :

Heard Mr. Patil, learned counsel for the petitioner. Learned counsel submits that respondent no.2 be directed to consider the representation dated 5.2.2016 seeking reinstatement on the post of police patil. According to the learned counsel, this Court in Writ Petition No. 8488 of 2015 under order dated 1.10.2015 had directed the respondents to consider the representation, however, without considering the same on merits, by referring to the earlier order, the same is rejected.

2. Learned A.G.P. accepts notice for respondent nos. 1 to 3 and submits that the case of the petitioner cannot be considered afresh in view of the order of this court in Writ Petition No. 7801 of 2012, dated 21.1.2013.

3. This Court, in its order, dated 21.1.2013 in Writ Petition No. 7801 of 2012 has observed as under :

" 6. The Sub-Divisional Officer is supposed to issue order of removal from service instead of directing dismissal of petitioner from service. Sub-Divisional Officer may effect necessary correction in the order passed on 7.4.2006, within a period of two months from today. It has not been disputed that tenure of employment of petitioner has come to an end on 23.1.2011. Order passed by the Sub-Divisional Officer shall not have effect of disqualifying the petitioner from future employment under Government. Order passed by the Maharashtra Administrative Tribunal also stands quashed and set aside. Rule is made partly absolute. In the facts and circumstances of the case, there shall be no order as to costs. "

4. In view of the above, no further case of the petitioner can be considered for reemployment as a police patil on the basis of his previous appointment. This court has also observed that the order passed by the Sub-Divisional Officer dated 7.4.2006 may not have effect on disqualifying the petitioner from future employment under the Government. In case fresh advertisement is issued, the petitioner may apply afresh and in case some orders adverse are passed, the petitioner can approach the Tribunal.

5. Writ Petition disposed of. No costs.

(K.L.WADANE, J.) (S.V.GANGAPURWALA, J.)