

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38379 OF 2017

ORDER:

This petition is filed with the following prayer:

“ to issue an appropriate writ, direction or order, more particularly one in the nature of writ of *Mandamus*, declare the action of the 1st respondent in not approving the spot admission of the petitioner for lateral admission into the 2nd year B.Tech (Chemical Engineering) in the 5th respondent College and not permitting the petitioner to pay examination fee to appear in the 1st Semester examination of 2nd year B.Tech (Chemical Engineering) for the academic year 2017-2018, is illegal, arbitrary, unjust, violation of Articles 14 & 21 of the Constitution of India and contrary to the All India Council for Technical Education (AICTE) guidelines and consequentially declare that the petitioner is eligible for lateral admission into 2nd year B.Tech (Chemical Engineering) admissions for the 2017-2018 under TSECET (FDH) and B.Sc. (Mathematics) as per Council for Technical Education (AICTE) and pass such other order.....”

Sri Abhishek Reddy, learned Standing Counsel appearing for the 3rd respondent brought to the notice of this Court that the petitioner earlier filed writ petition No.33761/2017 with exactly similar prayer and the same was dismissed by this Court on 13.10.2017.

Heard Sri V.Ramachandra Goud, learned Standing Counsel for respondents 1 and 2.

Earlier when the petitioner filed WP.No.33761/2017 with similar prayer this Court dismissed the said writ petition on 13.10.2017 by holding as follows;

“In the absence of the recognition of the admission of the petitioner in the fifth respondent college by the respondents 1 to 3, no relief can be granted in the present writ petition. The writ petition is accordingly dismissed at the admission stage.”

When this Court dismissed the earlier writ petition which was filed with the identical prayer, on whatever reasons, the present writ petition is not maintainable. He cannot file one more writ petition with similar prayer and the remedy is otherwise.

The petitioner might not have been aware of the legal position, but the counsel could have properly advised the petitioner. Instead, the counsel for the petitioner went on arguing the matter stating that the earlier writ petition is not dismissed on merits; that it is since dismissed for lack of assistance, he can file one more writ petition with identical prayer; and that the present writ petition is maintainable.

This Court is unable to understand how the present writ petition is maintainable when it is filed with exactly same prayer of the earlier writ petition which was dismissed by this Court by observing supra. It is also a fit case to impose costs. But, this Court is refraining itself from imposing costs, since the petitioner cannot be made to suffer for the mistake of his counsel.

Accordingly, the writ petition is dismissed. However it is open for the petitioner to avail remedy as may be available to him under law. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

15.11.2017
t k.

