

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

46 WRIT PETITION NO. 4903 OF 2016

BAGERAO SUDAMRAO GAWAI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

WRIT PETITION NO. 4907 OF 2016

VISHNU SAHEBRAO BAHEKAR AND ANOTHER ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

WRIT PETITION NO. 4908 OF 2016

SATYAWATI LAXMANRAO BANSODE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. R. D. Biradar, Advocate for the Petitioners in all Writ Petitions.

Mrs. M. A. Deshpande, AGP for Respondent-State.

Mr. Avinash D. Aghav, Advocate for the Respondent No.4.

Mr. G. V. Mohekar, Advocate for Respondent Nos.6 to 8.

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**CORAM : S. V. GANGAPURWALA &
S. M. GAVHANE, JJ.**

DATED : 18th SEPTEMBER, 2018.

PER COURT:-

1. Mr. Biradar, learned counsel for the petitioners submits that the petitioners have completed Postal D.Ed.. The petitioners in Writ Petition Nos.4903 of 2016 and 4908 of 2016 are in service, whereas the petitioner in Writ Petition No.4907 of 2016 is not in service. The learned counsel submits that report of S. B. Jagtap committee and on the basis of said report the order issued on 31.12.2005 be declared null and void. The learned counsel submits that this Court in case of similarly situated petitioners allowed the Writ Petition bearing No.610 of 2006 under judgment and order dated 07.12.2010. The learned counsel submits that the petitioner had filed earlier writ petition before this Court, however, the writ petitions were dismissed. The Special Leave Petition filed was also dismissed in limine. According to the learned counsel, the dismissal of S.L.P. in limine would not bar the remedy of the petitioners.

2. Mr. Mohekar, learned counsel submits that the petitioners had earlier filed writ petition, which is dismissed on merits. In view of that. present writ petition would not be tenable.

3. It is not disputed by either of the parties that all these petitioners had earlier filed writ petition before this Court bearing Writ

Petition No.3773 of 2007 and other writ petitions for the same reliefs as prayed in the said writ petitions. This Court dismissed the said writ petitions under order dated 4.6.2018 by a detailed judgment.

4. Though, the principle of res-judicata as enshrined in section 11 of Code of Civil Procedure may not strictly apply the principle analogous to the concept of res-judicata would apply. The second writ petition for the same relief would not be maintainable, as the earlier decision of this Court in the writ petitions filed by the petitioner is on merits.

5. In light of the above, present writ petitions cannot be considered. Writ Petitions stand disposed of. The petitioners may take such proper steps as permissible in law.

(S. M. GAVHANE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/September-18

**Devendra
Nandkumar
Kale**

Digitally signed
by Devendra
Nandkumar Kale
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