

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 907/2019.

Sau. Rekha Ramdhan Ingole

-VERSUS-

Commissioner, Family Welfare and Director and others.

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

Court's or Judge's Orders

Shri A.B. Moon, Advocate for the Petitioner.

CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.

DATE : FEBRUARY 04, 2019.

Heard.

2. In Writ Petition No. 25/2018, the appointment of present petitioner as Block Facilitator was challenged by one Durga Santosh More. Notice was issued by this Court for final disposal, however, inspite of it, the present petitioner, who was the respondent no.4, chose not to appear in the said Writ Petition. Consequently, on 08.0.2018, the said Writ Petition came to be allowed and a direction was issued to appoint the petitioner therein, forthwith and to pay her salary for the work done, and

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also to give seniority w.e.f. 03.07.2017.

3. While adjudicating the issue involved in the said Writ Petition, this Court has in paragraph no.8 held as under :

“8. Respondents are not in a position to point out how a document has been taken on record after last date stipulated in advertisement. As such, additional five marks given to respondent no.4 cannot be looked into. Petitioner therefore, has more score than respondent no.4.”

4. It is not in dispute that if additional 5 marks given to the present petitioner were deleted, her appointment was required to be canceled, which was a consequential effect of the decision rendered by this Court.

5. In present petition, it is urged by the learned Counsel for the petitioner that because of misunderstanding, the present petitioner could not appear in the aforestated Writ Petition, but, infact the stand taken by the respondent State Government in the said Writ Petition was not correct, as the petitioner had submitted the document of MSCIT qualification

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prior to the last date.

6. In view of the earlier decision rendered by this Court, which is binding upon the present petitioner, any decision in favour of the petitioner in present petition, would be barred by the principles of *res judicata*. The said decision has already attained finality. Writ Petition is, therefore, dismissed. No costs.

JUDGE

JUDGE

Rgd.