

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

903 WRIT PETITION NO.4610 OF 2021

**GAURISH YOGESH DABHADE MINOR THR HIS GUARDIAN
MANASIYOGESH DABHADE
VERSUS
UNION OF INDIA THR ITS SECRETARY AND OTHERS**

...
Advocate for Petitioner : Mr. Deshmukh Vijay Vasantryao
Advocate for Respondent No.1 : Mr. R.R. Bangar, Standing Counsel
Advocate for Respondent Nos.2 to 4 : Mr. A.P. Bhandari
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**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 01st OCTOBER, 2021

PER COURT:-

1. The petitioner has preferred this petition for challenging the communication dated 22.12.2020 with regard to which a statutory appeal is maintainable and was preferred. In these circumstances, this petition is not maintainable as the litigant cannot be permitted to avail of two remedies in the same cause.

2. The learned advocate for the petitioner submits that recently, the appeal has been rejected by the competent authority. In our view, that would constitute a fresh cause of action.

3. As such, this petition is disposed off as being not maintainable. Since the petitioner is now aggrieved by the order passed by the statutory authority on an appeal preferred by him,

thereby rejecting the said appeal, he would be at liberty to avail of a remedy as is permissible in law.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)