

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

WRIT PETITION NO. 13864 OF 2021

Ashok Bhaidas Pawar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Gautam J. Pahilwan, Advocate for the Petitioner.

Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 13TH DECEMBER, 2021.

FINAL ORDER :

. The learned counsel for the petitioner submits that, the petitioner is challenging the communication dated 25.10.2021 thereby rejecting the representation of the petitioner for appointment on the post of Manager (H.R.).

2. The learned counsel submits that, the petitioner was qualified. Under the impugned communication erroneously the petitioner is held to be not qualified for the post of Manager (H.R.). The petitioner was possessing necessary qualification and experience as laid down in the advertisement. The impugned communication does not state as to how the petitioner was not possessing necessary qualification and the experience.

3. We have also heard the learned Assistant Government

Pleader for respondent Nos. 1 and 2.

4. The selection process pursuant to which the petitioner claims appointment is of the year 2011. In the year 2011 itself the petitioner was held ineligible for the post of Manager (H.R.). The petitioner filed Writ Petition No. 11313 of 2013 assailing the same. The said writ petition was withdrawn by the petitioner. Withdrawal amounts to dismissal. It is observed that the petitioner at the relevant time in the year 2012 was not called for interview as he was not eligible. Subsequently, writ petition was filed and same was withdrawn. Now after lapse of eight years, same is sought to be assailed.

5. The petitioner could have claimed the relief, if, he would have been entitled to in the Writ Petition No. 11313 of 2013, instead he withdrew the writ petition. The same cannot be agitated again by way of fresh writ petition only because the petitioner has issued subsequent representation and he has been issued with some communication.

6. In the light of the above, the writ petition is dismissed. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]