

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1983 OF 2017

Dr. Bhagaban S/o Narayan Panda,
..VS..
The State of Maharashtra & Ors.,

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P. R. Puri, Advocate for petitioner.
Ms. Mayuri Deshmukh, A.G.P for respondent Nos.1 & 2.
Shri S. N. Dongre, Advocate for respondent No.3.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : 27.10.2021

1. Heard Shri Puri, learned counsel for the petitioner, Ms. Mayuri Deshmukh, learned A.G.P for respondent Nos.1 and 2 and Shri Dongre, learned counsel for respondent No.3.

2. Learned counsel for the petitioner prays for postponing hearing of this matter after Diwali Vacation, which request is particularly opposed by learned counsel for respondent No.3. According to Shri Puri, the order passed by the Maharashtra Administrative Tribunal on 26.06.2015 in bunch of Original Applications including the Original Application No.781 of 2013 having been questioned for its correctness by the State of Maharashtra by filing a writ petition before the Principal Seat at Mumbai and this Writ Petition having been listed on board for hearing today, which is Writ Petition

No.8708 of 2015, it is necessary that this petition is adjourned.

3. Learned counsel for respondent No.3 submits that said petition has been adjourned to 01st December, 2021. If this is so, it will not be possible to grant the request for postponing the hearing of this petition after Diwali Vacation and the postponement will have to be done to a date which is much beyond 01st December, 2021.

4. Even otherwise, it is an admitted fact that this petitioner is not made a party by the State of Maharashtra in the aforestated petition pending before the Principal Seat at Mumbai. Of-course, learned counsel for the petitioner submits that the outcome of the petition at Mumbai will have a bearing on this petition. With due respect, we choose to differ. We are of the opinion that the submission is without any substance. The reason being that the reliefs claimed by the petitioner in this petition have already been granted by the Maharashtra Administrative Tribunal, while deciding the Original Application on 26.06.2015. This is what we have already noted in our detailed order passed on 21.10.2021. Therefore, whatever be the outcome of the writ petition pending at Principal Seat at Mumbai, in which the petitioner is not a party, we do not think that the outcome would have any bearing on this petition. Then, what we need to consider is whether there can be a repeated litigative effort for receiving a benefit or fulfilling a claim and the answer would have to be in the

negative. Once the claim has been granted favourably, no grievance remains for a litigant to again knock at the doors of the Court of justice to get the same claim. Such repeated effort would not serve any purpose. Therefore, this petition, we find is not maintainable and it is **dismissed** accordingly. No costs.

JUDGE

JUDGE

Later on.

Shri Puri, learned counsel for the petitioner appeared about 20 minutes after the order was dictated in the open Court. Now, he submits that the instructions that he received from the petitioner today in the Court hall were incorrect and that, it is seen by him that the petitioner is a party to a writ petition which is pending before the Principal Seat at Mumbai. If this is the modified submission of learned counsel for the petitioner, still, in our opinion, it would not have any impact on the fate of this petition as the petitioner would have a remedy available if the decision in the petition pending before the Principal Seat at Mumbai goes against him. The petition is disposed of as ordered earlier.

JUDGE

JUDGE