

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

WRIT PETITION NO. 5186 OF 2022

Bhaskar Dagdu Jadhavar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Abhay R. Rathod, Advocate for the Petitioner.

Mr. S. B. Yawalkar, AGP for Respondents-State.

**CORAM : RAVINDRA V. GHUGE &
 ANIL L. PANSARE, JJ.**

DATED : 19th JULY, 2022.

PER COURT:-

1. We have considered the strenuous submissions of the learned advocate for the petitioner in support of prayer clauses (B) and (C) put forth in this petition, as under :-

“(B) By issuing appropriate writ or order or directions kindly direct the respondent authorities to comply with the letter at Exhibit J and remove the infirmities in the pension proposal of the petitioner and forward the same from Respondent No. 2 to Respondent No. 5 following the proper channel for the purpose of determining compensation pension or as deemed fit by this Hon’ble Court and for that purpose issue necessary orders for releasing the regular pension of the petitioner.

(C) By holding that the impugned report dated 28/01/2010

received by the Respondent No. 8 on 03/02/2010 is unfair and unjust towards the petitioner and direct the respondent authorities to consider the facts and circumstances of the case and release service benefits and other consequential benefits in favour of the petitioner by considering the peculiar circumstances of the case and for that purpose issue necessary orders.”

2. Though the learned advocate for the petitioner has canvassed that this is a petition having the trappings of a mercy request for grant of pensionary benefits or even compensation pension, we are unable to accede to the said request for reasons more than one, which are as follows :

(A) The petitioner was before the College Tribunal in Appeal No. 48 of 1980. By judgment dated 14.07.1980, his termination was set aside and was reinstated.

(B) Thereafter, he was again compelled to approach the University Tribunal by preferring an appeal. By judgment dated 19.12.1983, his termination was set aside and he was granted reinstatement with continuity and full backwages.

(C) The subsequent Appeal No. 7 of 1984 was disallowed by order dated 15.11.1984 by the College Tribunal.

(D) In Writ Petition No. 426 of 1985, this Court recorded with great

astonishment that the petitioner was away from knowledge for a period of more than nine (09) years and that he blissfully remained a stranger to the field of knowledge and devoted himself full time to agriculture.

Paragraph No. 1 of the order dated 30.08.1993 reads as under :-

“1. Education is for knowledge, for its own sake and additionally for encolling the students to get into better society and creating fecilities for a better economic status. We are of the time that we know Professor of English fairly acquainted with Shakespear. We know Professor of Marathi more than conversent with Dnyanprakashi. We have Professor of Hindi not unaware of Munshi Premchand. We have before us a petitioner who has remained satisfied from being away from the field of knowledge well-high for a period of 9 years. On the last occasion when he was present, we ascertained that during all this period of 9 years, he blissfully remained a stranger to the field of knowledge and devoted fully to his agriculture. He state to this. We were aghast. We also felt it a hazard in the interest of the students even to consider sending his back. We are of the time when a teacher of a professor was fully devoted to the field of knowledge so much as that we ranked his to the second position, next to the mother. We being to a generation that thought us that even an un-lettered mother is the first Guru, our education was to be completed by a devoted teacher. We were singing praise of our teacher.”

(E) In view of the above, the petition filed by the petitioner seeking employment after a hiatus of more than nine (09) years, was dismissed.

(F) The petitioner then preferred another Writ Petition No. 6427 of 2011 seeking implementation of the decision of the University dated

23.07.2010, for releasing his salary for the period 01.08.1984 till 30.06.2003 and pensionary benefits. By judgment dated 30.09.2013, the petition was dismissed.

(G) The petitioner approached the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No. 3151 of 2014 challenging the above judgment and the S.L.P. was dismissed vide order dated 14.02.2014.

(H) It is thereafter, that the petitioner once again approached this Court in Writ Petition No. 778 of 2017 and after considering the above legal journey of the petitioner, the petition was disposed of as withdrawn by order dated 18.01.2017.

(I) This is yet another petition that has been filed before us, bearing Writ Petition No. 5186 of 2022 seeking the same benefits.

3. In view of the above repeated approach to this Court for the same cause of action in the light of the above history of the petitioner's legal journey, we are unable to entertain this petition. The same is therefore, dismissed.

4. Considering the conduct of the petitioner, we hereby direct the registry of this Court that if any further petition is filed by the petitioner – Bhaskar Dagdu Jadhavar, the same shall not be registered

until such petition is put up before the learned Registrar (Judicial) to scrutinize the claim and only if there is no repetition of claim, that such petition may be registered.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

P.S.B.