

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

903 WRIT PETITION NO.9369 OF 2022

**RAMESH ASARAM JADHAV
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

...

Advocate for Petitioner: Mr. Shivraj B Kadu
AGP for Respondent/State: Mr. P. S. Patil
Advocate for Respondent No.3: Mr. P. P. Mandlik

...

**CORAM: RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE: 29th SEPTEMBER, 2022

PER COURT:

1. By this Petition, the Petitioner has put-
forth prayer clauses 'B', 'C' and 'D', as under:-

"B) By way of issuing writ of certiorari or any other appropriate writ, order or directions in the like nature, the Respondents No. 1 to 3 may kindly be directed to submit the record of meetings conducted by the Respondent No.3 Board under the Maharashtra Mathadi, Hamal and other mannual workers (Regulation of Employment and Welfare) Act, 1969.

C) By way of issuing writ of certiorari or any other appropriate writ, order or directions in the like nature, the Respondent No.2 may kindly be directed to conduct the inquiry of illegalities and irregularities committed by Respondent No.3 Board as news published in Exh.-"E".

D) By way of issuing writ of certiorari or any other appropriate writ, order or directions in the like nature, the Respondents No.1 to 3 may kindly be directed to conduct the meeting of Respondent No.3 Board regularly as prescribed by the Maharashtra Mathadi, Hamal and other manual workers (Regulation of Employment and Welfare) Act, 1969 in the interest of justice."

2. We have considered the submissions of the learned Advocates appearing on behalf of the Petitioners and the Respondents.

3. The learned AGP has placed before the Court an affidavit-in-reply dated 29.09.2022 filed by Shri Chandrakant Ankushrao Raut, Deputy Commissioner of Labour and presently, the single member Mathadi Labour Board at Aurangabad. It is

stated that the Petitioner was a Member of the Mathadi Board from 06.02.2013 till 06.02.2016. Vide Notification dated 20.09.2016, a 'One Man Board', was constituted and the Petitioner is no longer the Member of the Board. The Petitioner had previously preferred Writ Petition No.1502 of 2015, seeking a direction that the Board should conduct a Meeting once in three months. Same relief is now being sought in the present Writ Petition.

4. The learned Advocate representing the Board places on record a copy of the order dated 14.12.2016, in Writ Petition No.1502 of 2015, which was filed by the present Petitioner. It was recorded that the Petition has become infructuous as a new Board is constituted and hence the Petition was disposed off.

5. The learned Advocate for the Petitioner submits that in so far as he himself is concerned, the Petitioner did not apprise him that he had preferred a Petition earlier.

6. It is thus obvious that the Petitioner has suppressed material information from the Court with the intention of obtaining favourable orders. His conduct is covered by the law laid down by the Hon'ble Supreme Court in the matter of Bhaskar Laxman Jadhav and others Vs. Karamveer Kakasaheb Wagh Education Society and others, (2013) 11 SCC 531.

7. In these circumstances, this Petition is dismissed by imposing costs of Rs.10,000/-. The learned Advocate for the Petitioner makes a request that the costs may be reduced. Therefore, we impose costs of Rs.5000/-, which the Petitioner shall deposit with Advocate Associations' Bar Library, High Court, Aurangabad, on or before 21.10.2022.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

marathe