



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

WRIT PETITION NO. 6325 OF 2024

Govind Digambar Bagade

....Petitioner

VERSUS

The State Of Maharashtra Through Its Secretary And Others

.....Respondent

.....

Advocate for the Petitioner : Mr. V.D. Gunale

AGP for Respondent Nos. 1 and 2 : Mrs. M.N. Ghanekar

...

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
KISHORE C. SANT, J.**

DATE : 26th JULY, 2024.

P.C. :

1. Heard Mr. V.D. Gunale, learned counsel for the petitioner and Mrs. M.N. Ghanekar, learned AGP for respondent Nos. 1 and 2.

2. By way of instituting the present writ petition, the petitioner has prayed that directions be issued to respondent Nos. 1 and 2 to refund an amount of Rs.4,48,109/-, which was recovered from the petitioners towards house rent allowance and vehicle allowance. The deduction was made from the petitioner pursuant to the order dated 15th December 2014

passed by the Jt. Director, Higher Education, Nanded. Simultaneously, criminal proceedings were also instituted against the petitioner. However, the first information report was challenged by the petitioner by filing Criminal Writ Petition No. 254/2015, which was finally allowed by the judgment and order dated 2nd February 2017, whereby the first information report was quashed with further observations that so far as the deductions from the petitioner is concerned, the petitioner will have separate remedy, which will be civil in nature, however, the findings recorded in the said judgment will not affect the said proceedings in any manner.

3. The order pursuant to the deduction was passed way back in the year 2014. Thus, the petition is filed after lapse of 10 years for which the learned counsel for the petitioner has sought to offer explanation, stating that the criminal writ petition was filed against the present deductions wherein the first information report was quashed by coordinate bench of this Court by means of judgment and order and the petitioner approached to the Jt. Director Higher Education, Nanded by means of an application on 4th April 2018, however, since then nothing has been decided.

4. The order resulting in deductions of amount in question was passed way back in the year 2014. Even the writ petition challenging the first information report was decided in the year 2017. Except for making representation on 4th April 2018, nothing has been brought on record by the petitioner which can constitute sufficient explanation for approaching the Court at such a belated stage. The petitioner has utterly failed to explain the delay and laches and accordingly, we are not inclined to entertain the petition. The petition is, thus, dismissed.

(KISHORE C. SANT, J.)

(CHIEF JUSTICE)