

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

911 WRIT PETITION NO. 12976 OF 2024

Vajinath Ramrao Khandade

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

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Mr. B. T. Bodkhe h/f Mr. Shrikrashna B. Solanke - Advocate for the
Petitioner

Mr. P. S. Patil - AGP for State

Mr. Pratik P. Waghmare h/f Mr. Amol R. Gaikwad – Advocate for
Respondent Nos. 4 and 5

...

CORAM : R. G. AVACHAT

AND

NEERAJ P. DHOTE, JJ.

DATED : 18TH JUNE, 2025

PER COURT : -

1. Heard the learned Advocate for the Petitioner and the
learned AGP for the State.

2. This Petition has been filed for the following main reliefs:

“[B] By issuing writ of Certiorari or any other writ, order or directions in the like nature, this Hon’ble Court may be pleased to quash and set aside the impugned order dated 31.05.2024 issued by the respondent no.3 – Education Officer (Secondary), Zilla Parishad, Latur and for that purpose issue necessary orders;

[C] By issuing writ of Mandamus or any other writ, order or directions in the like nature, this Hon’ble Court may be pleased to direct the respondent no.3 to revise the staffing pattern for the academic year 1997-1998 to 2003-2004 thereby sanctioning 10 posts in the respondent no.5 school and further to accord approval in favour of petitioner for the said period and to accord the benefits like salary, yearly increments, continuity in service, etc. in favour of petitioner;

[D] Pass such other and further orders, as this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the case."

3. Way back in 2003, a Writ Petition bearing No. 2134 of 2003 was filed by the Petitioner to absorb him in another School. Accordingly the Petition was allowed granting his prayers. At the relevant time, the Petitioner could have very well urged for approval to his appointment for the period 1997-1998 until his absorption in some other school in 2004. As such, the present Writ Petition is hit by the principle of *Constructive Res Judicata*. Moreover, the Petitioner has approached this Court after lapse of twenty two (22) years. The Respondent – Management forwarded the proposal of the Petitioner for approval for the period from 01.06.1997 to 29.02.2004, on 11.12.2023.

4. As such, the Petition suffers from gross delay and laches. In this view of the matter, we are not inclined to entertain the Petition. Same therefore stands dismissed.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde