

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) No. 2320 OF 2017

Sachin s/o Bajirao Pawar & Ors. ... Petitioners
Vs.
State of Maharashtra & Ors. ... Respondents

Ms. Madhavi Ayyappan i/b M/s Talekar and Associates for the Petitioners.

Ms. Geeta Shastri, Addl. G.P. for the State a/w Mr. Himanshu Takke, Asst. G.P. for the State - Respondent Nos.1 and 2.

Mr. Rui A. Rodrigues a/w Mr. Asadullah Shaikh for Respondent Nos. 3 and 5.

**CORAM : B.R. GAVAI AND
MANISH PITALE, JJ.**

DATE : 06th DECEMBER, 2017.

P.C. :

1 The main claim in the Petition was for declaration of the results of the Petitioners. During the pendency of the Petition, the result of the Petitioners has already been declared. In that view of the matter, insofar as prayer clause (A) is concerned, grievance of the Petitioners stands redressed.

2 Ms. Madhavi Ayyappan, learned counsel for the Petitioners, however, submits that the Petitioners have also prayed

for other reliefs including compensation, appointment of Commission of enquiry and therefore, Petition cannot be disposed of.

3 Insofar as the prayer with regard to commission of enquiry etc. is concerned, the perusal of the affidavit filed in the companion matter would reveal that the State Government itself has taken a serious cognizance of the matter. Not only that but the Hon'ble Governor as well as the Hon'ble Chief Minister have also intervened. In that view of the matter, we are not inclined to consider the said prayer.

4 Insofar as the prayer for compensation is concerned, the Petitioners will have to establish by leading evidence as to who are the persons responsible for either dereliction of duty or causing deliberate delay in declaring the results. The same cannot be done without consideration of evidence led by the rival party. We are afraid that to such an exercise would not be permissible in the extraordinary jurisdiction under Article 226 of the Constitution of India. Writ Petition is rejected relegating the Petitioner to the remedy available in ordinary law so far as the said prayer is concerned.

(MANISH PITALE, J.)

(B.R. GAVAI, J.)