

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

**REVIEW PETITION NO. 11 OF 2015
IN
PUBLIC INTEREST LITIGATION NO. 139 OF 2014**

Sayyad Isak s/o. Sayyad Gulab. .. **PETITIONER**

VERSUS

The State of Maharashtra
and others ..**RESPONDENTS**

...
Mr. Anant R. Devakate, Advocate, for the Petitioner
Mr. S.G. Karlekar, APP for Respondent – State
...

**CORAM : S.S. SHINDE &
A.M.BADAR, JJ.
DATE: 2nd February, 2015**

...
PER COURT:-

1] Heard the learned counsel appearing for the petitioner. He submits that, the Supreme Court in the case of ***Hari Bansh Lal Vs. Sahodar Prasad Mahto and others***¹ held that, Public Interest Litigation in service matters except by way of writ of *quo warranto*, is not maintainable. The learned counsel appearing for the petitioner submits that, the said view is once again reiterated by the Supreme Court in the case of ***Central Electricity Supply Utility of Odisha Vs. Dhobei Sahoo and others***². It is submitted that, the Judgment in the case of ***Ayaubkhan Noorkhan Pathan Vs. State of***

1. [2010] 9 SCC 655

2. [2014] 1 SCC 161

Maharashtra and others³ is altogether in different set of facts, and therefore, not applicable in the facts of the present case. Therefore, according to the learned counsel appearing for the Review Petitioner the order dated 26th November, 2014 under review deserves to be recalled.

2] We have heard the learned counsel appearing for the petitioner, and also perused the documents placed on record, it is not in dispute that, the issue of the promotion to the post of Executive Engineer is the subject matter of the Writ Petition No. 7101/2012, pending before the High Court at Principal Seat at Mumbai, in which the order passed by the Maharashtra Administrative Tribunal in Original Application No.522/2011 is stayed. The applicant before the Maharashtra Administrative Tribunal, was respondent No.4 herein. It is an admitted position that, the petitioner herein is not aggrieved person inasmuch as he is not an employee of Public Works Department of State of Maharashtra. Therefore, while considering PIL filed by the petitioner this Court relied upon the Judgment of ***Ayaubkhan*** [*supra*] and held that, PIL is not maintainable.

3] In our opinion, there is no error apparent on the face of record so as to recall the order under review. No case is made out. The Review Petition stands rejected.

Sd/-

[A.M.BADAR, J.]

Sd/-

[S.S. SHINDE, J.]

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DDC

3. [2013] 4 SCC 465