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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.123 2010

Bharat Maruti Lotale ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

Mr.B.G.Tangsali i/b Ms Prabha Badadare i/b Omkar
Gopal Nagaveke for the petitioner
Mr. V.S.Gokhale, AGP for the respondent Nos.1,2 and
5.

CORAM : A.S.OKA, &
A.K.MENON, JJ.
DATE : JANUARY 9, 2015

P.C.:

1 Heard the learned counsel for the petitioner and the learned AGP for the respondents. The learned counsel for the petitioners states that after rejoinder was filed in November 2010, the petitioner has not contacted him.

2 An advertisement was published by the Police Surgeon, Mumbai in local newspapers inviting applications for making appointments to the post of Mortuary Assistant, Peon, Dead Body Cutter, Mortuary Servant and Sweeper. In the said Advertisement, total 20 posts were advertised. The grievance in this petition is as regards alleged irregularities and illegalities committed by the concerned respondents while filling in the said posts. A prayer is made for holding an enquiry against the

respondent Nos.3 to 5 and also for directing the Anti Corruption Bureau and State CID to hold an enquiry.

3 There is an affidavit in reply filed on 30th June 2010 by Shri S.M.Patil, the Police Surgeon who is the respondent No.3. In paragraph 4 of the said affidavit, elaborate procedure followed for recruitment has been set out. It is stated that the posts which have been filled in were sanctioned by the Department of Home, Government of Maharashtra. As far as reserved posts are concerned, sanction has been taken from the Backward Class Cell. Total 2153 applications were received apart from the 314 applications forwarded by the Employment Exchange. Total 1706 candidates who were found to be eligible were called for the written test. Only 842 candidates presented themselves for the written test. The ratio of posts and candidates for interviews was maintained as 1 : 6. The marks assigned for written test were given weightage of 75% and the marks of interview were given 25% weightage. Selection list and waiting list were prepared and notified. It is claimed that the entire record regarding the recruitment process is available with his office. An objection was raised for entertaining a PIL in service matters based on various decisions of the Apex Court.

4 After having perused the said affidavit and rejoinder filed by the petitioner, we find that no interference is required to be made in this PIL. In

the affidavit in reply, apart from setting out the procedure followed, objections raised by the petitioners in case of individual candidate have been elaborately dealt with by the Police Surgeon. It is stated that the Appointment Orders have been already issued and the Appointees have taken charge. We accept the statements made in the affidavit of the Police Surgeon.

5 In the circumstances, we dispose of the petition by accepting the statements made by the Police Surgeon.

(A.K.MENON,J.)

(A.S.OKA,J.)