

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9167 OF 2014

Shri Sanjay R. Tiwari ... Petitioner

V/s.

The Commissioner, Mira Bhayander
Municipal Corporation & ors. ... Respondents

Mr. Tushar N. Sonawane for the petitioners.

Mr. R.S.Apte, Sr. Counsel i/b. Mr. N.R. Bubna for respondents 1 and 2.
Mr. S.K. Shinde i/b. Mr. Sudam Kale for respondent no.5.

**CORAM : NARESH H. PATIL AND
A.S. GADKARI, JJ.**

2nd February, 2015.

P.C.

The petitioner claims to be a Chief Editor of newspaper 'Bajrang Prahar'. It is the grievance of the petitioner that respondent Mr. Bharat Shitole, Dy. Collector, General Administration, Mumbai district suburban was appointed for a period of one year as an Additional Commissioner of Mira Bhayander Municipal Corporation by a Government Resolution dated

4th July, 2013. In spite of expiry of one year period, the respondent officer was continued in the said post.

2. The learned Counsel appearing for respondents 1 and 2 raise preliminary objection to the maintainability of the petition. It is submitted that petitioner has no locus to raise issues concerning order of deputation and service conditions of the respondents. The petitioner is not aggrieved in any manner regarding the decision of the State to appoint the respondent on deputation as Additional Commissioner. The learned Counsel has also brought to our notice G.R. issued by the State on 22nd August, 2014 continuing the respondent Mr. Bharat Shitole as Additional Commissioner for a period of two years w.e.f. 6th July, 2014 to 5th July, 2016. We have perused the same.

3. Learned Counsel appearing for the petitioner submits that he was not aware of such order issued by the State and petitioner would now challenge the said order by amending this petition. The petitioner's contention is that because of the petitioner the State came to know that the officer who was sent on deputation is working without any valid order.

4. Learned Counsel appearing for respondents 1 and 2 submitted that petitioner has published the news item concerning the proceedings of present petition in 'Bajrang Prahar' newspaper which speaks for itself.

5. Though it reveals that soon after expiry of the petitioner's one year tenure of service, the order continuing him or otherwise was not issued but it is brought to the notice of this Court that the State had issued appropriate order dated 22nd August, 2014. We do not find it necessary that petitioner be permitted to amend this petition for raising further challenge to the order passed on the G.R.. The Writ petition is dismissed.

(A.S. GADKARI, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.