

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2383 OF 2015

[Imranulla Khan Shafaatulla Khan .vs. Raja Education and Bahuudeshiya Society and others]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.D. Chande, counsel for the petitioner,
 Shri N.R. Rode, AGP for the respondent nos.4 to 6.

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CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : AUGUST 21, 2015.

By this petition, the petitioner seeks a direction to the respondent no.4-Director of Education (Minority and Adult Education), Maharashtra State, Pune to decide the complaint of the petitioner, dated 24.11.2014. The petitioner seeks a direction to the aforesaid respondent to make an enquiry in the matter and initiate legal action against the respondent no.1-society. Certain other ancillary prayers are also made.

The petitioner claims to be a Social Worker and it is the case of the petitioner that the representation made by the petitioner to the respondent no.4, in respect of the illegalities committed by the respondent no.1-society, has not been decided. According to the petitioner, an enquiry is required to be conducted in the affairs of the respondent no.1-society and strict legal action is required to be initiated against the said society.

On hearing the learned counsel for the parties, we find that the petitioner does not have a locus standi to file the petition. Several complaints including criminal complaints have been lodged by the petitioner against the respondent no.1-society and the members of the management committee. It is brought to the notice of the court by the learned AGP that an action is initiated by the Education Officer

against the respondent no.1-society and the members in the management committee and the enquiry report is prepared by the Education Officer.

We find that the petitioner does not have a locus standi to file the writ petition and since the petition is not registered as Public Interest Litigation, the petition is liable to be dismissed. Even otherwise, we find that the Education Officer has initiated some action against the members in the management of the respondent no.1-society. It would, therefore, be not necessary to direct the respondent no.4 to decide the complaint of the petitioner, when there is no right in the petitioner to make the said complaint under any provisions or authority of law and there is no duty cast in the respondent no.4 to decide the complaint. At least, such right and duty is not pointed out by the learned counsel for the petitioner.

In view of the aforesaid, the writ petition is dismissed, with no order as to costs.

JUDGE

JUDGE

Gulande