

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6731/2013

(RAVIDAYAL ISHWARDAYAL PATLE **VERSUS** STATE OF MAH. & ORS)

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

Court's or Judge's orders

Shri K.S. Motwani, counsel for the petitioner.
 Mrs. A.R. Taiwade, A.G.P. for the R-1.
 Shri R.J. Khobragade, counsel for the R-2.
 Shri Amit M. Kukday, counsel for the R-3.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : MARCH 18, 2015.

By this petition, which is purported to be filed in public interest, the petitioner, who claims to be a social worker has raised a grievance that the respondent no.2-Zilla Parishad is paying House Rent Allowance to both, the respondent no.3 and her husband though they reside together and are working in schools falling under Zilla Parishad Bhandara.

It is stated that the respondent no.3 was working as an agent of the Postal Department for collecting recurring deposits apart from working as a teacher. It is stated that though the working as an agent of the Postal Department is not permissible, the respondent no.2-Zilla Parishad has not taken any action against the respondent no.3.

We do not find that the petition has been filed by the petitioner in public interest. It seems that the petitioner has some score to settle against the respondent no.3 and, hence, the petition has been filed for a direction to the respondent no.2-Zilla Parishad to initiate action against the respondent no.3. It is brought to the notice of this Court by the learned counsel for the respondent nos.2 and 3 that though the respondent no.3 and her husband are working in the schools run and administered by Zilla Parishad

Bhandara, the respondent no.3 has been posted at Mohgaon Khadan and her husband is posted at Ambagad in District Bhandara and both are residing separately. It is also informed to this Court by the learned counsel for the respondent nos.2 and 3 that the respondent no.3 is not working as an agent of the Postal Department for nearly four years as she has stopped collecting the recurring deposits in the year 2011. Apart from the fact that there is no merit in the petition, we do not find that the petition could have been entertained as a Public Interest Litigation as the issues involved in the petition relate to the services of the respondent no.3 in the Zilla Parishad and it is well settled that public interest litigation cannot be entertained in service matters. Also, the petition cannot be entertained as a writ petition as the petitioner does not have a locus standi to seek the relief.

In view of the aforesaid, we dismiss the petition with no order as to costs.

JUDGE

JUDGE

APTE