

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

WRIT PETITION NO. 4056 OF 2015

Dr. Chandrakant S/o Baburao Lamture .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Miss P. S. Talekar, Advocate h/f Shri S. B. Talekar, Advocate for the Petitioner.

Shri A. P. Basarkar, A.G.P. for Respondent Nos. 1 and 2.

Shri B. B. Bhise, Advocate h/f Shri D. J. Choudhari, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 20TH JANUARY, 2016.

PER COURT :

. Miss Talekar, the learned counsel for the petitioner strenuously contends that, the Tribunal while dismissing the Original Application filed by the petitioner has only considered the aspect of locus. The said aspect has not been considered in its correct perspective. The present petitioner and the respondent No. 3 are co-accused in a criminal case. The respondent No. 3 because of the political clout got his suspension revoked and he is reinstated. The respondent No. 3 is a person against whom various other offences apart from the offence wherein the petitioner and the respondent No. 3 are accused are

registered. The learned counsel further submits that, the respondent No. 3 has been reinstated on the same post, which he was holding earlier and at the same place. The reinstatement of the respondent No. 3 on the same post and at the same place would prejudicially affect the criminal case pending against the petitioner wherein the respondent No. 3 is a co-accused, as he would be in a position to exercise his clout and influence over the witnesses. According to the learned counsel, in such an event, the petitioner certainly is a aggrieved person and would have a *locus standi* to challenge the action of reinstatement of the respondent No. 3 by revoking the suspension. The learned counsel submits that, even the order of reinstatement does not give any reasons. Even this petition can be considered as a Public Interest Litigation. The learned counsel further submits that, all the witnesses are working in the same department. The learned counsel relies on the judgment of this Court in a case of **Shri R. R. Tripathi V/s Union of India** reported in ***2010 (1) B. C. R. 513***.

2. We have heard the learned Assistant Government Pleader and the learned counsel for the respondent No. 3.

3. In a case of **Shri R. R. Tripathi V/s Union of India** referred supra, the question involved in the said case was in relation to the highest post in the State Administration. The

note on the proposal forwarded by the State showed the various public projects concerning the security of the State and involvement of the interest of public at large in such affairs, and the Court found the said petitions to be in larger public interest and rather than terming it as a mere service matter.

4. In the present case, the respondent No. 3 is the Medical Superintendent. The petitioner basically is apprehending threats to the criminal trial at the behest of respondent No. 3 wherein he is a co-accused. The charge sheet is already filed, investigation is also concluded, as such, the said apprehension is certainly misplaced.

5. The present matter is a service matter. In such case petitioner certainly would not have a *locus standi* to assail the said revocation of suspension of the respondent No. 3. The Tribunal, as such has not committed any error. In view of that, the writ petition stands disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]