

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
PUBLIC INTEREST LITIGATION NO.26 OF 2016**

Sachin Manohar Bandkar

..... Petitioner.

V/s

State of Maharashtra &amp; Others

..... Respondents.

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Ms. Pradnya Dagare i/b Ms. Sushmita Lawane for the Petitioner.

Ms. Geeta Shastri, AGP for Respondent Nos.1 and 2/State.

Mr. Shekhar Jagtap for Respondent No.3.

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**CORAM: V. M. KANADE &  
MRS. SWAPNA JOSHI, JJ.**

**DATE: 18<sup>th</sup> August, 2016**

**P.C.:-**

1. Heard the learned Counsel for the Petitioner.
2. By this PIL, Petitioner is seeking the following reliefs:-

“a. that this Hon'ble Court be pleased to issue a writ of Quo Warranto or a Writ in the nature of Quo Warranto or any other appropriate Writ, Order or direction commanding Respondent No.1 and 2 to furnish proof as to under what authority Respondent No.3 holds the office of Dean of J.J. Hospital even after completion of three year from the date of appointment and, in case the proof given by Respondent No.1 & No.2 is not sufficient and/or not found to be legal, valid and proper, be pleased to issue a writ of Mandamus or a Writ in the nature of Mandamus or

any other appropriate Writ, Order or direction commanding Respondent No.1 & No.2 to forthwith transfer Respondent No.3 from the post of Dean of J.J. Hospital;

**b.** that this Hon'ble Court be pleased to issue a writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, Order or direction commanding Respondents No.1 and 2, their respective officers, servants, agents and any person claiming by, through and/or under them to forthwith appoint some fit and proper person to the office of Dean of J.J. Hospital in accordance with the regulations laid down in the Maharashtra Government Servants Regulation of Transfers and Prevention of delay in Discharge of Official Duties Act, 2005 and the Government Resolution in place and stead of Respondent No.3

**c.** that this Hon'ble Court be pleased to issue a writ of mandamus or a Writ in the nature of Mandamus, or any other appropriate Writ, Order or direction commanding Respondent No.1 & No.2 to forthwith refrain Respondent No.3 from holding the office and performing the functions as a Dean of J.J. Hospital;

**d.** that pending the hearing and final disposal of the present Petition, this Hon'ble Court be pleased to grant an order and injunction restraining Respondent No.3 from holding a post of Dean of J.J. Hospital;

**e.** that pending the hearing and final disposal of the present Petition, this Hon'ble Court be pleased to grant an order and injunction directing Respondents No.1 and 2, their respective officers, servants, agents and any person claiming by, through and/or under them to appoint a fit and proper person as the temporary Dean of J.J. Hospital;

- f. for interim and ad-interim reliefs in terms of prayer clauses d and e above;
- g. for costs;
- h. for such further and other reliefs as this Hon'ble Court may deem fit and proper considering the nature and circumstances of the present case.”

3. Perusal of the reliefs claimed by the Petitioner discloses that grievance of the Petitioner is regarding certain conditions and entitlement of Respondent No.3 to continue as a Dean of the J.J. Hospital. It is well settled by catena of judgments of the Apex Court that PIL in respect of service matters should not be entertained by the Court. Grievance of the Petitioner is essentially against continuation of Respondent No.3 as Dean of the J.J. Hospital and also regarding his appointment. These matters squarely fall under the category of service matters and therefore we are not inclined to entertain this PIL on this ground alone. PIL is dismissed.

**(MRS SWAPNA JOSHI, J.)**

**(V.M. KANADE, J.)**