

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

PUBLIC INTEREST LITIGATION NO. 72 OF 2017

Shri Suryakant Kashinath Ghutukade

..Petitioner

Vs.

**The Chairman / Secretary Maharashtra
Public Service Commission & Ors**

..Respondents

**Mr. Sanjay Singhvi, Senior Advocate i/b Mr. Rahul Kamerkar for the
Petitioner**

Mrs. M. P. Thakur AGP for the Respondent Nos.1 and 2 State

Mr. Anilkumar Joshi for the Respondent No.3

**CORAM :R. M. SAVANT, &
K. K. SONAWANE, JJ
DATE : 14th SEPTEMBER, 2018**

P.C.

1 The above Writ Petition has been filed for the following reliefs

(i) This Hon'ble Court be pleased to issue the writ of the Warranto or any other writ, order or direction in the nature of writ of Quo Warranto removing the Respondent No.3 from the post of Entomologist.

(ii) This Hon'ble Court be pleased to issue the writ of mandamus or any other writ, order or direction in the nature of writ of Mandamus ordering the Respondents Nos.1 and 2 to issue a new advertisement for the said post, and stick to the qualification requirements of the said new advertisement.

2 The Learned Senior Counsel appearing for the Petitioner Mr.

Sanghvi was candid enough to point out that at one point of time the brother in law of the Petitioner who has the necessary qualification to be a Entomologist was aspiring for the said post, though he had not applied at the relevant time. The Petitioner had earlier filed Writ Petition No.8933 of 2013 for the self same reliefs which came to be disposed of so as to enable the Petitioner to approach the Maharashtra Administrative Tribunal ("MAT" for short). The Petitioner thereafter filed Review Petition No.149 of 2016 in the said Writ Petition No.8933 of 2013 on the ground that the Petitioner did not have the locus standi to approach the MAT. On the statement made by the Learned Counsel appearing for the Petitioner in the said Review Petition, the said Review Petition came to be allowed to be withdrawn with liberty to file a Public Interest Litigation in respect of the issue raised in the said Writ Petition No.8993 of 2013. That is how the instant PIL has been filed challenging the appointment of the Respondent No.3.

3 Having regard to the statement made by the Learned Senior Counsel at the outset we are of the view that the above Petition is not genuinely in public interest as there are overtones of personal interest in the filing of the above PIL. In terms of the law which is applicable in so far as PILs' are concerned and more especially in respect of challenge raised to the appointment to a post, we decline to entertain the above PIL for the reliefs sought, the same is accordingly disposed of. However, we make it clear that

we have not gone into the merits of the challenge in respect of the appointment of the Respondent No.3 and the said issue is kept open for adjudication in appropriate proceedings.

[K. K. SONAWANE, J]

[R.M.SAVANT, J]

Meera
Mahesh
Jadhav

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Meera Mahesh Jadhav
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