

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION STAMP NO. 27143 OF 2018

Ketan Tirodkar	.. Petitioner
Vs.	
State of Maharashtra	.. Respondent

Mr.Ketan Tirodkar – Petitioner-in-person.
Mr.S.B.Kalel, AGP for Respondent - State.

**CORAM : B.R.GAVAI &
M.S.KARNIK, JJ.
DATE : 03rd OCTOBER, 2018**

P.C. :

. The Petitioner has approached this Court seeking a direction to the State Government to frame a policy document outlining the rules for allotting permanent accommodation to the Judicial Officers at all levels who have put in 15 years of service.

2. It can thus be seen that in effect the Petitioner is trying to espouse the cause of Judicial Officers at all levels and

seeking the direction that State should frame the policy that permanent accommodation should be provided to all Judicial officers who have put in 15 years of service.

3. Firstly, it has to be seen as to whether such a PIL can be entertained at the behest of present Petitioner, who claims to be a Social Worker and Activist.

4. No doubt that the Hon'ble Apex Court from the Judgment in the case of **S.P. Gupta Vs. Union of India AIR 1982 SC 149** onwards has diluted the rule of locus. Public Interest Litigation at the behest of party which is not in a sense aggrieved party would also be entertained by this Court or the Hon'ble Supreme Court. Not only that the Court may also act on an postcard addressed to the Court. However, such rule of locus would be diluted only when the party for whose benefit the Petition is said to be filed, for variety of reasons like the social or economic constraints is not in a position to approach this Court directly.

5. A class of Judicial Officers who have put in 15 years of service cannot be said to be socially or economically constrained, so as not to approach this Court for redressal of their grievance if in fact such a grievance exists.

6. Apart from that we find that taking into consideration the limitations of jurisdiction of this Court under Article 226 of the Constitution of India, if we issue the direction as sought for, we will not be only transgressing our limitations under Article 226 of the Constitution of India, but entering into the area of Judicial adventurism or judicial terrorism.

7. We do not find any merit in the Public Interest Litigation and the same is dismissed.

(M.S.KARNIK, J.)

(B.R.GAVAI, J.)