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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 183 OF 2018

Ashok Baraku Vaity .. Petitioner
Vs.
The State of Maharashtra & ors. .. Respondents

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Ms. Neeta Karnik, Advocate for the Petitioner.
Mrs. M.P. Thakur, AGP for State.
Shri S.D. Patil I/b. Shri P.S. Gole for Respondent No.4.
Shri R.S. Apte, Senior Advocate I/b Shri N.R. Bubna for
Respondent Nos. 2 and 3.

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**CORAM : R.M. SAVANT, &
M.S. KARNIK, JJ.
DATE : 1st OCTOBER, 2018**

P.C. :

The above Writ Petition has been filed by a sitting Corporator of the Thane Municipal Corporation challenging the appointment of the Respondent No.4 as Chief Fire Officer on deputation. The question that begs an answer is why should a sitting Corporator ventilate his grievance, if any, against the appointment to the post of Chief Fire Officer. The answer probably lies in the contention raised on behalf of the Respondent No.4.

2. The Learned Counsel appearing for the Respondent No.4 drew our attention to the fact that the Petitioner herein in his capacity as a sitting Corporator had proposed the appointment of the Respondent No.4 as Chief Fire Officer for a period of four years. It is after said proposal that the reason for the Petitioner to go against Respondent No.4 seems to have arisen which seems to be on account of the rejection of the fire NOC for a building allegedly constructed by the firm of the Petitioner under the SRA Scheme. The said documents are annexed at page 74 to 78 of the paper book. A rejoinder has been filed to the said reply filed on behalf of the Respondent No.4 where the facts are sought to be contested. In our view, the same is not with any delay of conviction. Therefore what stares us in the face in the fact that the above Petition seems to be motivated. The writ jurisdiction of this Court cannot be permitted to be invoked by such a Petition we accordingly decline to entertain the above Writ Petition. The same is accordingly dismissed. However, we make it clear that since the

challenge to the appointment of the Respondent No.4 is also in the Petition filed by the Union, the merits of such a challenge would undoubtedly be gone into in the said Writ Petition . The said Writ Petition No.14135 of 2017 to be listed on 10/10/2018.

[M.S. KARNIK, J]

[R.M. SAVANT, J]