

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

PUBLIC INTEREST LITIGATION NO.7 OF 2018
(LOVE RAMSING CHAVHAN...VS..STATE OF MAHARASHTRA & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : B.P.DHARMADHIKARI AND
Z.A.HAQ, JJ.

DATED : JUNE 13, 2018.

1. Heard Shri N.B.Rathod, learned counsel for the petitioner and Shri S.M.Uke, learned Additional Government Pleader for the respondents.

2. The Additional Government Pleader is seeking time to file reply since instructions are awaited. The request is being strongly opposed by the petitioner. He points out that advertisement to fill the post of Public Prosecutor is issued on 12th January, 2018 and there are no interim orders staying it.

3. The learned Additional Government Pleader, without prejudice, submits that the recruitment may have been over and the concerned parties are not before this Court. According to him, the aggrieved party may have challenged the advertisement before the Maharashtra Administrative Tribunal or other appropriate forum.

4. We find that the petitioner is relying upon the judgment of this Court dated 22nd September, 2016 in **PIL No. 90 of 2015** (*Patalya Langda Mawaskar Vs. State of*

Maharashtra & oth) and judgment in the matter of *Arun Tukaram Vs. State of Maharashtra*, reported at **1999(3) Mh.L.J. 594**.

In said judgment, the condition requiring applicant to possess immovable property was found unsustainable. Here, the challenge is identical. It is, therefore, concluded in favour of the petitioner by two judgments of this Court. We are, therefore, not inclined to keep the Public Interest Litigation pending.

5. However, as there was no interim order, if recruitment has taken place and third party interests are created, we cannot deal with those interests in writ jurisdiction. The interests so created may be dealt with by competent forum as per law.

6. Hence, with above declaration and liberty to the petitioner to proceed further in the matter, as per law, we **dispose of** the public interest litigation. No costs.

(Z.A.Haq, J)

(B.P.Dharmadhikari,J)