

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

PUBLIC INTEREST LITIGATION NO.49 OF 2018
(Organisation for the Rights of Tribal vs. The State of Maharashtra and others)

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

Shri P.S. Wathore, Advocate for petitioner.
Shri M.K. Pathan, Assistant Government Pleader for
respondent nos.1 to 4.

CORAM : B.R. GAVAI AND
 ROHIT B. DEO, JJ.

DATED : MARCH 28, 2018

The present petition, in effect, has been filed with regard to non removal of one Pachusingh Lagji Bassi from his service.

It is the contention of the petitioner that the claim of the said person that he should not be treated as appointed on account of his belonging to Scheduled Tribe has been rejected by this Court and though special leave petition has also been rejected, yet he is not removed from service. It is submitted that this would amount to deprivation of right of a genuine candidate belonging to Scheduled Tribe.

The Apex Court in the case of Girjesh Shrivastava and others vs. State of Madhya Pradesh and others {(2010) 10 SCC 707} has held in unequivocal terms that in service matters, public interest litigation would not be maintainable.

Eligible candidate from Scheduled Tribe

category, who has been deprived of his claim on account of continuation of Pachusing s/o Lagji Bassi, can very well raise his grievance in appropriate proceedings. However, public interest litigation at the instance of a busybody would not be tenable.

The public interest litigation is, therefore, rejected.

JUDGE

JUDGE

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