

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

PUBLIC INTEREST LITIGATION NO.71 OF 2019

Vishal Hanmantrao Mohite

..Petitioner

Versus

Maharashtra Public Service Commission
and others

..Respondents

Mr. Mahindra Deshmukh, Advocate for the Petitioner.

Mr. P. P. Kakade, GP a/w Ms. Nisha Mehra, AGP for Respondent
Nos.1 & 2.

Mr. Rutwik Rao, Advocate for Respondent Nos.3 & 5.

Mr. H. S. Kazi a/w Mr. R. S. Kazi, Advocate for Respondent No.4.

Ms. Vaishali Jagdale, Advocate for Respondent No.6.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATE : 28th AUGUST, 2019

P.C.

1] It is settled law that a Writ of Quo Warranto would be maintainable at the instance of any citizen of India.

2] This gives the Petitioner the necessary locus to maintain the instant Petition which questions the appointment of Respondent No.3 to Respondent No.6 as Assistant Labour Commissioners in the Labour Department of the State of Maharashtra on the plea that vide Clause No.4.6 of the advertisement, condition of having worked for a period not less than three years as a Labour Officer or Welfare

Officer in an Industrial undertaking, local authority, Corporation or a Government Department was necessary. It is pleaded in the Petition that Respondent Nos.3 to 6 produced experience certificates which contained false information.

3] However, actionable pleadings have been made only against Respondent Nos.3 and 4. Qua Respondent No.3, it is pleaded that he has relied upon an experience certificate issued by Shree Associates certifying that from 01.08.2008 till 28.02.2013, he had worked as a Labour Officer. Qua Respondent No.4, it is pleaded that he relied upon an experience certificate issued by Shree Swami Samarth Multi Services certifying that from 07.08.2012 to 13.01.2016, he had worked as a Labour Officer. Qua Respondent No.4, online printout of the website of Shree Swami Samarth Multi Services has been downloaded which shows that said organization was established for the first time in the year 2014. Qua Respondent No.5 and Respondent No.6, there are no specific averments.

4] It is the case of the Petitioner that Respondent No.3 and Respondent No.4 could not be working as per the certificates for the reason, Respondent No.3 was preparing for the Civil Services Examination and associated with Pradnya Wardhini Abhyasika at Pune and he was also working with the Reserve Bank of India. As regards Respondent No.4, it is pleaded that in the year 2012, he obtained a degree in Arts and thereafter joined Ahilya Abhyasika, Navi Peth, Pune. Thereafter he was at Delhi preparing for the Central Civil

Services Examination.

5] We note that counter affidavits have not been filed.

6] Least what was expected from Respondent No.1 i.e. Maharashtra Public Service Commission was to verify the genuineness of the certificates produced by Respondent No.3 and Respondent No.4 in light of the material supplied by the Petitioner.

7] Qua Respondent No.5 and Respondent No.6, we find no actionable pleadings made by the Petitioner who have not even pleaded the manner in which said two Respondents sought the eligibility of experience.

8] Thus, we dispose of the Petition directing Respondent Nos.1 and 2 to verify the experience certificates furnished by Respondent No.3 and Respondent No.4 and if it is found that the experience certificates are forged or record facts certifying experience which is not true, proceed against said two Respondents but after issuing a notice to them and their response sought and orders would be then passed. If orders are against Respondent No.3 and Respondent No.4, they would be entitled to remedy as per law.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE