

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5654 OF 2016

Jagruti Vijay Ghaywate and another. ... Petitioners.
V/s.
Nashik Municipal Corporation and others. ... Respondents.

Mr.Girish Agarwal for the Petitioners.
Ms.Sairuchita Chowdhary i/b. J.Shekhar & Co. for Respondent No.1.
Mr.P.V.Nelson Rajan, AGP for Respondent Nos.2 and 3.

CORAM : **NITIN JAMDAR AND
M.S. KARNIK, JJ.**

DATE : **21 February 2020.**

P.C. :

The Petitioner has sought a direction to the Respondent-Corporation to act upon the Resolution passed by the General Body of the Municipal Corporation on 17 October 2010.

2. The Petitioner's sister met with an accident when she was travelling in an Auto-rickshaw in January 2011 and she succumbed to the injuries. Along with Petitioner's sister there were two co-passengers who also expired. The General Body, as a sympathetic gesture, passed a resolution that an appointment be given to the Petitioner in the services of the Municipal Corporation.

The Administration of the Municipal Corporation, however, relying on the law laid down by the Apex Court governing entry to the public service has not given effect to the said Resolution.

2. Admittedly, the Petitioner's sister was not working in the Respondent- Municipal Corporation. There is no policy or statutory provision shown to us which we can enforce by issuing writ of mandamus. No such right exists except a general resolution which, on the face of it, is contrary to the principal of public participation in the selection to the public service. The resolution is not backed by any policy or rules.

3. Writ petition is accordingly rejected.

(M.S. KARNIK, J.)

(NITIN JAMDAR, J.)