

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 CRIMINAL WRIT PETITION NO.1527 OF 2019

ADIVASI PANTHER KAMGAR SANGHATNA MAHARASHTRA
STATE, THR PRESIDENT
PRASHANT S/O. MAHADEORAO BODAKHE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Advocate for Petitioner : Miss. Neha B. Kamble
APP for Respondent Nos. 1 to 4 : Mr. S. J. Salgare
Advocate for Respondent No.5: Mr. V.P. Latange
...

CORAM : RAVINDRA V. GHUGE AND
B. U. DEBADWAR,JJ.
DATE : 19-04-2021

PER COURT :-

1. We have heard the learned Advocate for the petitioner, the learned Additional Public Prosecutor on behalf of respondent Nos. 1 to 4 and the learned Advocate appearing on behalf of respondent No.5.
2. The learned Advocate for the petitioner draws our attention to prayer clause 'B' and submits that the petitioner desires an inquiry into the complaint dated 21.08.2017, lodged by the petitioner union with the Chief Secretary, State of Maharashtra.

3. Prayer clause 'B' reads as under :-

"B. By issuing appropriate writ or order or direction in the like nature, the respondents be directed to conduct a thorough inquiry on the complaint of corruption in the case of promotion of Class IV employees by the respondent No.5 and on the issued raised by the petitioner in its letter dated 7.8.2017 and 21.08.2017 and submit a report and proposal to that effect to the Commisionerate Office within 6 months. "

4. The learned prosecutor tenders documents paginated from 117 to 133. We have taken these documents on record as a part and parcel of this petition paper book. He further submits that an inquiry as desired by the petitioner has been conducted and the report tendered by the competent authority along with the covering letter dated 02.01.2021, would indicate that the Department of Tribal Development Nagpur has not found any irregularities in the matters of promotions, as is alleged by the petitioner.

5. We have perused the complaint dated 21.08.2017 filed by the petitioner. The said complaint is as vague as it could be. What is set out in the said complaint is that deserving candidates have been ignored and un-deserving candidates have been promoted in violation of the seniority of the eligible candidates. No further details have been provided by the

petitioner. The report placed before us from page Nos. 121 to 133, would indicate that the department did not find any irregularity in the said promotions.

6. Our writ jurisdiction under Article 226 has been invoked. We cannot assume the role of an inquiry officer, in as much as, we cannot exercise our jurisdiction to decide disputed issues.

7. Mr. Latange, the learned Advocate representing respondent No.5 submits that most of the aggrieved candidates had approached the learned Maharashtra Administrative Tribunal at the Nagpur and Aurangabad seat and their original applications have been dismissed on merits at Nagpur concluding that eligible candidates were not overlooked or ignored. In fact only eligible candidates were promoted.

8. Now the learned Advocate for the petitioner submits that at page No. 98, a Contempt Petition No. 74 of 2019 has been placed on record which would indicate that the petitioner has not suppressed the aspect of some of the aggrieved persons having approached the Maharashtra Administrative Tribunal. In this back drop we have perused the memo of the petition. As such, it is clear that the members of the petitioner union had approached the learned Maharashtra Administrative

Tribunal at the Aurangabad and the Nagpur seat which the petitioner has mentioned in the petition. However, the prayer put forth in this petition is as regards alleged corruption indulged into by respondent No.5. On such premises, this petition cannot be entertained.

09. The petitioner appears to have based his petition on vague allegations of corruption. The learned Maharashtra Administrative Tribunal has upheld the promotions as being fair and legal. In these circumstances, we are of the view that precious time of the Court has been unnecessarily wasted by the petitioner ever since August, 2019. This petition is, therefore, dismissed.

(B.U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

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