

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

WRIT PETITION NO. 3788 OF 2021

Rajan Digambar Dixit ... Petitioner

Versus

The Hon'ble Governor & Ors. ... Respondents

.....

Mr. Khateeb Vakeel for the Petitioner.

Mr. A. A. Kumbhakoni, AG with Mr. P. P. Kakade, GP and Mr. Ravi Kadam, AGP for the State.

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**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE :AUGUST 13, 2021.

P.C. :-

. Heard.

2. By this petition, under Article 226 of the Constitution of India, the Petitioner is seeking direction against the Respondents to consider the Petitioner for the post of Member in the Legislative Council as his social activist

3. The learned Advocate General for the Respondents submits that the petition as it is filed by the Petitioner is not maintainable. He submits that in view of the Constitution of India, it is not maintainable against Respondent No.1 i.e. Hon'ble Governor of Maharashtra. He submits that even to consider the names of the persons for the post of member in the

Legislative Council, do not come within the jurisdiction of Respondent No.2 i.e. Chief Minister as per the Constitution of India. Hence, the petition is not maintainable.

4. At this stage, the learned counsel for the Petitioner submits that, he may be permitted to withdraw the present writ petition with liberty to file afresh. The same is permitted.

5. The writ petition stands dismissed as withdrawn with liberty as prayed.

6. No order as costs.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K. TATED, J.)