

PatilSR

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8152 OF 2022**

Rubab Ramzan Fakir

...Petitioner

Versus

State of Maharashtra & Ors

...Respondents

Mr MS Bagkar, i/b Chetan G Patil for the Petitioner.

Mrs PJ Gavhane, AGP for the Respondent-State.

**CORAM G.S. Patel &
 Sharmila U. Deshmukh, JJ.**

DATED: 22nd November 2022

PC:-

1. Heard.

2. The Petitioner seeks the following relief:

“A) That this Hon’ble Court be pleased to issue a writ of certiorari or any other appropriate writ, order or direction in the nature of certiorari thereby directing the Respondent Nos.3 to 6 herein to initiate and conduct enquiry as per the provisions of Maharashtra Zilla Parishad (Discipline and Appeal) Rules, 1964 against the delinquent employees of the Schools run by Sindhudurg Zilla Parishad in pursuance of the complaint made by the Petitioner and take appropriate action accordingly.”

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3. The Petition has been amended but not the prayer. Nonetheless, we will read prayer (a) as extending to the Respondents Nos.7 to 17.

4. The Petitioner's case, simply stated, is that in the year 2011 the Petitioner was transferred as Headmaster of Umbarde Urdu School, Vaibhavwadi. In the year 2012, he served as the Headmaster of Umbarede Mehabubnagar Urdu School. Three years later, it seems that the Petitioner was suspended for some violation of the applicable rules. Then, in October 2015, according to the Petitioner, he was exonerated on all counts. But two years later, on 2nd September 2017, one of his increments was withheld because he was found guilty for not remaining present at the headquarters as required by the rules. The petitioner appealed, but unsuccessfully. A revision is pending.

5. The Petitioner claims to have sent several letters and communications to various authorities alleging "misdeeds" on the part of other employees and demanding an enquiry against them. These are referred to in paragraph 4 and collated at Exhibit-B from Page 35. We note that some of these date back to 2013 (Page 35 itself), 2017 (Pages 36, 39) etc. Since there was no action on these representations, the Petitioner filed an RTI application and received certain information. According to the Petitioner, the information received allegedly protects the errant employees in a superficial manner. The Petitioner says that he has been approaching the authorities for an enquiry.

6. On the face of it, this petition is thoroughly misconceived. The Petitioner has no legally enforceable right to an enquiry. Certainly, there is no right that he can receive a writ of mandamus in the manner sought. The Petitioner appears to be disgruntled. He himself was the subject matter of at least one report and was handed down at least one punishment. It is only thereafter that the Petitioner has been writing to every authority demanding action against Respondents 7 to 17. There is also no explanation for the enormous delay on the part of the Petitioner, for his representations are of 2013 and 2017. Nothing in the Petition shows us that how the Petitioner has a right to compel the performance of a legal or constitutional obligation to hold an enquiry at his instance.

7. We find no merit in the Petition. It is rejected. No costs.

(Sharmila U. Deshmukh, J)

(G. S. Patel, J)