

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.23 OF 2023

Sudam Rangrao PatilPetitioner
V/S
The State of Maharashtra & Ors.Respondents

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Mr. Ramdas A. Shelke for the Petitioner.
Mr. P.P. Kakade, GP a/w Mr. M.M. Pabale, AGP for Respondent Nos.1 and 2-State.

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**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**
DATE : 9TH FEBRUARY 2023.

P.C.:

- 1 We have heard the learned Counsel for the Petitioner.
- 2 The Petitioner claims to have filed this PIL in public interest. The Petitioner is seeking directions against Respondent Nos.3 to 5 to take immediate action and terminate the services of Respondent Nos.6 to 19.
- 3 According to the learned Counsel for the Petitioner, these Respondent Nos.6 to 19 are ineligible and untrained that would cause loss to the students. The learned Counsel submits that the State had taken action against them. Respondent Nos.6 to 19 had filed the Writ Petition before this Court. This Court did not entertain the Petition. The Respondents approached the Supreme Court, the Supreme Court directed

to grant one more opportunity to them even after the opportunity was given the Respondent Nos.6 to 19 could not clear the examination. The learned Counsel submits that these Respondent Nos.6 to 19 filed civil suit before the Court of Civil Judge Junior Division. Though the Court of Civil Judge Junior Division does not possess the jurisdiction the suit is decreed. The Petitioner has challenged the said judgment by taking an appropriate recourse and the same is pending. However, as it would require more time to get the matter decided, the present PIL is filed.

4 We cannot encourage such a practice on behalf of the Petitioner. Such practice needs to be deprecated. The Civil Court has already passed the order and has decreed the suit filed by the Respondents herein. The Petitioner has already challenged the said decree by taking appropriate proceedings. In view of that the present PIL ought not to have been filed.

5 In view of that the PIL is dismissed with costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)