



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1166 OF 2021

Pankaj Popatrao Biraris

....Petitioner

V/S

State of Maharashtra & Ors.

....Respondents

...

Mr. Vivek V. Salunke for the Petitioner.

Mr. R.P. Kadam, AGP for Respondents-State.

...

CORAM: NITIN JAMDAR &  
SANDEEP V. MARNE, JJ.

DATE : 07 AUGUST 2023.

P.C.:

. Heard the learned Counsel for the parties.

2 The Petitioner, at the relevant time, was working as Medical Officer, Rural Hospital, Dindori. The Petitioner had filed Writ Petition No.1360 of 2019 making a grievance about discontinuation of his services as a Medical Officer and had also sought a relief of release of his salary for the period of January, February and March 2017 alongwith interest. The said Writ Petition was disposed of on 4 July 2019. The Division Bench noted that during the pendency of the Petition, Petitioner had received entire salary for the said period. The contention of the Petitioner that the salary was received however, services have been

discontinued for which representation has been made was noted and the Division Bench had directed the Commissioner, Health Services cum Mission Director, Mumbai to consider the representation made by the Petitioner expeditiously.

3 The Petitioner was heard by the Commissioner. During the course of the hearing, the Petitioner asserted that he does not intend to work as a Medical Officer. The representation was disposed of and it is during the decision of the representation, certain observations were made by the Commissioner regarding the allegations against Respondent Nos.3 and 4 the Superintendent at Dindori. Based on these observations, the present Petition is filed by the Petitioner praying that action be taken against Respondent Nos.3 and 4.

4 The Petitioner was working under the services of the State. He had a grievance of discontinuation of his services as Medical Officer and non-payment of salary alongwith interest. The representation directed to be decided by this Court was restricted to this aspect. The Petitioner has been paid his salary. As regards his discontinuation, the Petitioner has expressed inability to continue on the post of Medical Officer. The observations made were outside the purview of the representation of the Petitioner. It is for the State, as an employer, to take necessary decision whether to proceed against Respondent Nos.3 and 4 or not. The Petitioner cannot seek a mandamus by way of this Writ Petition.

5 Leaving it open to the Respondent-State to decide the appropriate course of action, we dispose of the Writ Petition.

SANDEEP V. MARNE, J.

NITIN JAMDAR, J.