



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 CRIMINAL WRIT PETITION NO.1169 OF 2024

PRADEEP SHAMRAO MORE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mrs. Rashmi S. Kulkarni, Advocate h/f Mr. S.S. Kurundkar, Advocate for
petitioners

Mr. G.A. Kulkarni, APP for respondent Nos.1 to 7

...

CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.

DATE : 18th DECEMBER, 2024

ORDER :

1 Heard learned Advocate appearing for petitioners and learned
APP for all the respondents.

2 The petitioners are more harping upon the order passed by the
Hon'ble the Lokayukta on 27.09.2023, wherein directions were given to
Additional Chief Secretary, Public Health Department to hold inquiry in the
matter. According to the petitioners, these directions have not been complied
with. Learned Advocate for the petitioners accepts that due to inadvertence

the Additional Chief Secretary has not been made as a party respondents. She prays for leave to amend. Of course, the Chief Secretary of Public Health Department is a party respondent No.3.

3 Leave is granted. Additional Chief Secretary, Public Health Department be made respondent No.8. Amendment to that effect be carried out immediately in the hard copy that has been supplied and be uploaded within a period of one week.

4 In view of order passed by this Court on 11.07.2024 it appears that the petitioners had approached Hon'ble Lokayukta office informing that the action as per the directions of the Hon'ble Lokayukta has not been taken. Such complaint application was made on 15.07.2024 and it appears that it has been responded by the office of Hon'ble Lokayukta on 12.08.2024. It has been stated that since the Hon'ble Lokayukta had not made recommendation as contemplated under Section 12(1) of the Maharashtra Lokayukta and Uplokayukta's Act, 1971, there is no question of action to be taken under Section 12(2) of the said Act. We are, in fact, surprised to know as to then the order which was passed on 27.09.2023 was under which Section or under which powers ? Be that it may, the fact remains is that there were directions to the Additional Chief Secretary, Public Health Department by

Hon'ble Lokayukta on 27.09.2023 and it is stated that it has not been complied with. Therefore, at this stage, since formal notice has not been issued, we issue notice to respondent Nos.3 and 8 and direct them to file affidavit-in-reply on or before 06.01.2025. Copy of the same be given to the other side.

5 Place the matter for further consideration on 10.01.2025.

(ROHIT W. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)

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