



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.4075 of 2024

Mohammad Fahim s/o Mohammad Bashid

vs.

The State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Firdos Mirza, Advocate for petitioner.

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 11th JULY, 2024

Heard.

2. In response to the Court's query, Mr. Mirza, learned counsel appearing for the petitioner, drawing support from the observations made in paragraph 31 of the judgment of the Apex Court in the matter of *Rajesh Awasthi vs. Nand Lal Jaiswal and others [(2013)1 SCC 501]*, which reads as under:

'31. From the aforesaid pronouncements it is graphically clear that a citizen can claim a writ of quo warranto and he stands in the position of a relater. He need not have any special interest or personal interest. The real test is to see whether the person holding the office is authorised to hold the same as per law. Delay and laches do not constitute any impediment to deal with lis on merits and it has been so stated in Kashinath G. Jalmi v. Speaker [(1993) 2 SCC 703]'

would urge that the petition at the behest of the petitioner who operates mines of major minerals has locus to question the appointment of the respondent no.4 on the post of Director General (Mining), Directorate of Geology and Mining at Nagpur.

3. According to Mr. Mirza, General Administration Department has already raised an objection to the appointment of the respondent no.4,

however for the reasons best known, the respondent no.4, who is not qualified to hold the said post, is continued on the said post.

2. Issue notice to the respondents, returnable on **25.07.2024**.
3. Mr. D. P. Thakre, learned Additional Government Pleader waives service of notice for the respondent nos. 1 to 3.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.