



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO.37 OF 2018

Shaikh Talib Abdul Basit
Age: 40 years, Occu.: Social Work
and Business,
R/o. Near Marooti Mandir Laxman
Nager Beed, Tq. Beed, District Beed.

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Education Department,
Mantralaya, Mumbai-32.
2. The Director of Education (Primary),
Maharashtra State Pune.
3. The Maharashtra Prathamik Shikshan
Parishad, Pune.
4. Maharashtra State Examination Council,
17, Dr. Ambedkar Marg, Pune.

.. Respondents

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Mr. D. B. Pokale, Advocate for the Petitioner.
Mr. R. S. Wani, AGP for Respondents/State.
Mr. A. R. Nikam, Advocate for Respondent No.4.

...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 24 NOVEMBER 2025

ORDER :

. Present Public Interest Litigation has been filed for
following relief :-

“A) To issue writ of mandamus or any other appropriate writ order or direction in the like nature and to quash and set aside the Government Resolution dated 02.06.2008 issued by the Government (Exhibit-'F') thereby given 20% reservation to those candidates who have completed their D.Ed. course in English Medium.”

2. The learned Advocate for the petitioner submits that the Government by another Government Resolution dated 27.06.2018 has cancelled the Government Resolution dated 02.06.2008 and, therefore, the present Public Interest Litigation has become infructuous. The petitioner had deposited the amount of Rs.25,000/- in view of order dated 14.03.2018 to show his *bona fides* and, therefore, now with the disposal of the Public Interest Litigation, the said amount be refunded to the petitioner.

3. The most important point to be noted is that after the order dated 14.03.2018 was passed, the matter was on board on two occasions i.e. on 03.04.2018 and 19.04.2018. On both the occasions, the matter was adjourned. Thereafter also on the request of learned Advocate for the petitioner, the

matter was adjourned to 05.06.2018 and 12.06.2018. Of course by that time, the Government Resolution dated 27.06.2018 cancelling the Government Resolution dated 02.06.2008 had not come. In fact, in the year 2018 i.e. precisely by filing Public Interest Litigation on 08.01.2018, the petitioner had prayed for quashment and setting aside the Government Resolution, which came into effect about 10 years prior to the date of filing of the petition. Thereafter, after 05.06.2018, the petitioner never got the matter circulated especially after 27.06.2018. The matter remained unattended. Ultimately, it was required to be taken on board on 12.11.2025. Unfortunately, it could not reach till today and now, the petitioner is making the said statement. It cannot lie in the mouth of the petitioner that he had no knowledge about Government Resolution dated 27.06.2018 till 12.11.2025. If he wanted the resolution to be set aside, he would have kept watch on the same. Under such circumstance, though we are disposing of the Public Interest Litigation as has become infructuous, we are not inclined to refund the amount that has been deposited by the petitioner.

Though it was directed to be deposited to show his *bona fides*, it was the equal duty on his shoulders to promptly come to this Court and inform about the subsequent Government Resolution cancelling the Government resolution, which he wanted to get set aside. Unnecessarily the matter has been kept pending by the petitioner and, therefore, he is not entitled to get the refund.

4. The Public Interest Litigation stands disposed of as infructuous.

5. The amount deposited by the petitioner be credited to the Government.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm