

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 90 OF 2005

JAYANT
VISHWANATH
SALUNKE

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Dr. Deepak Sadashiv Howale } Petitioner
} versus
Medical Council fo India & Ors. } Respondents

None for the petitioner.

Ms. Neha S. Bhide, Government Pleader with
Mr. O. A. Chandurkar, Additional Government
Pleader and Ms. G. R. Raghuwanshi, AGP for
respondents 2 to 4 (State).

**CORAM: ALOK ARADHE, CJ. &
 SANDEEP V. MARNE, J.**

DATE: JULY 3, 2025

ORAL ORDER: (Per Chief Justice)

1. In this public interest litigation (PIL), the petitioner has assailed the validity of the Government Resolution dated 13th August 2004, by which respondent no. 5 was appointed as a Professor in the Government Medical College, Miraj, District Sangli.

2. Learned Additional Government Pleader submits that PIL in service matter is not maintainable and on account of efflux of time, the issue involved in the petition has been rendered academic as the respondent no. 5 may have been superannuated from the post in question.

3. In view of the decisions of Supreme Court in ***Dr. Duryodhan Sahu vs. Jitendra Kumar*** reported in (1998) 7 SCC 273, ***Neetu vs. State of Punjab*** reported in (2007) 10 SCC 614; ***Dattaraj Nathuji Thaware vs. State of Maharashtra*** reported in (2005) 1 SCC 590; and ***Vishal Ashok Thorat and Ors. vs. Rajesh Shripambapu and Ors.*** Reported in (2020) 18 SCC 675, PIL in a service matter cannot be entertained.
4. In view of the aforesaid, the PIL is dismissed.
5. Interim application, if any, stands disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)