



{1}

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO. 577 OF 2026

Shailesh Chandrakant Deshmukh

VERSUS

The State Of Maharashtra And Others

.....

Mr. Santosh S. Jadhavar, Advocate for the Petitioner

Mr. Abhijit M. Phule, AGP for Respondents-State

.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 08 APRIL, 2026

PER COURT [Per Hiten S. Venegavkar, J.] :-

1. Heard the learned advocate for the petitioner.
2. The petition seeks directions to the respondent authorities to conduct an enquiry into the eligibility and qualifications possessed by respondent No. 3 on the date of his selection and appointment to the post of Headmaster, Government Technical High School, in accordance with the Government Resolution dated 08.01.2001, and further to take action against respondent No. 3 as per the Government Resolution dated 12.10.1993.
3. The contention raised by the petitioner in the present petition is that when respondent No. 3 came to be appointed by the respondent authorities to the post of Headmaster of the Technical High School, he was not possessing the requisite eligibility and qualifications prescribed

for the said post. It is further submitted that though, on the basis of the representations made by the petitioner, reports have been called for by the authorities, no action has been initiated till date.

4. Upon a specific query being put to the learned advocate for the petitioner as regards his locus and the nature of prejudice suffered, it is fairly conceded that the petitioner is neither an aspirant to the post in question nor otherwise directly affected by the appointment of respondent No. 3. The petitioner claims to be a public-spirited individual seeking to espouse a cause in public interest.

5. The issue that therefore arises is whether such a petition, at the instance of a stranger to the service, challenging the appointment of a public servant, is maintainable in the exercise of jurisdiction under Article 226 of the Constitution of India.

6. The law on the point is no longer *res integra*. The Hon'ble Supreme Court in ***Duryodhan Sahu (Dr.) v. Jitendra Kumar Mishra***, (1998) 7 SCC 273, has categorically held that in service matters, a Public Interest Litigation is not maintainable and only an aggrieved person, i.e., a person who has a direct or substantial interest in the subject matter, can invoke the writ jurisdiction. The Court observed that allowing strangers to challenge service matters would lead to chaos in

administration and open floodgates of litigation.

7. Similarly, in *Ashok Kumar Pandey v. State of West Bengal*, (2004) 3 SCC 349, the Hon'ble Supreme Court cautioned against the misuse of Public Interest Litigation in matters where the petitioner has no real stake, holding that such jurisdiction is not meant to be invoked for meddlesome interlopers or busybodies, particularly in service disputes.

8. Further, in *Hari Bansh Lal v. Sahodar Prasad Mahto*, (2010) 9 SCC 655, the Supreme Court reiterated that except in cases involving a writ of *quo warranto*, a third party has no locus to challenge the appointment of a public servant. It was held that judicial review in service matters is confined to persons who are directly affected, and strangers cannot be permitted to question appointments under the guise of public interest.

9. In the present case, The challenge is essentially factual, requiring enquiry into qualifications and eligibility, which cannot be permitted to be agitated at the instance of a third party having no direct nexus with the appointment.

10. In view of the settled legal position, this Court is of the considered opinion that the present petition, filed by a person who is

{4}

neither an aggrieved candidate nor otherwise directly affected, is not maintainable. Entertaining such petitions would be contrary to the principles governing writ jurisdiction and would amount to permitting indirect interference in service matters by strangers.

11. The writ petition is, therefore, dismissed on the ground of lack of locus standi, with no order as to costs.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane