



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1530 OF 2026

Sunil Rangnath Joshi

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

Mr. R. P. Bhumkar, Advocate for petitioner

Mr. A. B. Girase, GP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 11th February, 2026

PER COURT :-

1. Heard learned Advocate for the petitioner.
2. Present petition has been filed for following reliefs :

"B) Issue of writ of Certiorari or any other appropriate writ, order or direction or writ of Certiorari like nature and to quash and set aside the G.R. 10/04/2015 and corrigendum dated 18/05/2016 issued by the Respondent no. 1 and restrain the Respondents acting as a Director of General from Police Department.

*C) Issue of writ of Quo-warranto against the Respondent no. 1 and 2 and call explanation and what authority they will act contrary to the provisions under the Cr.P.C. and B.N.S.S. 2023, as well as, also contrary to the judgment passed by Hon'ble Apex Court in **S.B. Shahane and others v/s State of Maharashtra, 1995 Suppl (3) SCC 37.***

*D) Issue of writ of Certiorari or any other appropriate writ, order or direction or writ of Certiorari like nature and to quash and set aside the G.R. 10/04/2015 and corrigendum dated 18/05/2016 issued by the Respondent no. 1 and initiate the action under the a Contempt of Court Act, 1971 for disobey the order passed by Apex Court in **S. B. Shahane and others v/s State of Maharashtra, 1995 Suppl (3) SCC 37** and also not complying the verdict, as well as, acted contrary to the provision under the law and*

appointed the Respondent no. 2.”

3. Petitioner was working as Assistant Public Prosecutor who have come to be appointed under Section 24 and 25 of the Code of Criminal Procedure. According to the petitioner, the respondent No. 2 is an I.P.S Officer and his appointment is against the decision of Hon’ble Supreme Court in ***S. B. Shahane and others v/s State of Maharashtra, 1995 Suppl (3) SCC 37.*** Here, it is to be noted that respondent No. 2 has been made party by designation and not by name to the appointment which is challenged. He has to be made a party. When we asked the learned Advocate for the petitioner as to why the person has not been made as party respondent, he submits that he can make the said person as party but went on to further explain that if the Government goes on appointing I.P.S Officers on the post of Directorate of General (Legal and Technical) Department, Mantralaya, then it would be against the decision of the Hon’ble Supreme Court ***S. B. Shahane and others v/s State of Maharashtra (supra).*** On this point we are not with the learned Advocate for the petitioner. Petitioner who makes a party that is the person who has going to be affected as party respondent.

4. Learned GP who waives notice for present respondents, takes objection regarding the maintainability of the petition stating that the present petition is not maintainable in view of the fact that the present

petitioner is not affected. We want to keep this objection open.

5. The fact, however, remains is that the order of appointment of the petitioner has been made by the respondent No. 1. The respondent No. 2 as well as the person who is presently holding the said post is at Mumbai and, therefore, we are of the opinion that the matter should go before the Principal Seat of this Court. It also appears that the respondent No. 2 has issued certain order for recommending the termination of the petitioner vide communication dated 23.10.2024 that means the person holding post of respondent No. 2 had taken charge in view of order dated 27.09.2024 prior to the termination of the petitioner in respect of having knowledge of appointment of the person on the post of respondent No. 2 in September-October, 2024. Yet, the present petition has been filed in 2026, therefore, there appears to be mala fide intention behind the same. However, the fact remains is that whether the appointment of the said person is against the mandate of decision in **S. B. Shahane and others v/s State of Maharashtra (supra)** will have to be tested, but as aforesaid, we are of the opinion that the matter should lie before the Principal Seat. We therefore, transfer the matter to Principal Seat of this Court.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi