

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6163 OF 2020
IN
PUBLIC INTEREST LITIGATION NO. 120 OF 2019

Uttamrao S/o Rambhaji Shelke

...Applicant

Versus

The State of Maharashtra and Ors.

...Respondents

Ms P.S. Talekar, Advocate holding for Mr S.B. Talekar
and Mr K.M. Nagarkar, Advocates for Applicant
Mr D.R. Kale, I/c. Government Pleader for Respondent No. 1
Mr A.S. Bajaj, Advocate for Respondent No. 2

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 19th MARCH, 2021

PER COURT :

1. Shri Saibaba Sansthan, Shirdi is manned by the Adhoc-Committee under the orders of this Court. This Court under order dated 2nd May, 2014 in Civil Application No. 12240/2013 in PIL No. 18/2011 after observing that it will be only an IAS Officer, who will, in the situation, command and ensure early compliances, it is observed and directed to the Government of Maharashtra to appoint an IAS Officer.

2. The Chief Executive Officer is expected to be an IAS Officer as per the orders of this Court. The present incumbent is not an IAS Officer. Even also not in the cadre of an IAS, at the time, he was appointed as a Chief Executive Officer. In fact, a person, who is not an IAS, ought not to

have been appointed as a Chief Executive Officer. At the first instance, Mr Bagate ought not to have been appointed as a Chief Executive Officer as he was not an IAS nor was in the cadre of IAS when he was appointed as Chief Executive Officer. The same was certainly not in conformity with the order of this Court dated 2nd May, 2014.

3. It is submitted that subsequent to his appointment as a Chief Executive Officer, Mr Bagate is brought in the cadre of IAS. What was expected in the order of this Court dated 2nd May, 2014 was an appointment of an IAS Officer as Chief Executive Officer.

4. Mr Kale, the learned I/c. Government Pleader refers to the affidavit filed by one Solicitor-Cum-Deputy Secretary, Law and Judiciary Department to suggest that at the time, Mr Bagate was appointed, he was in the zone of consideration of promotion from the officers belonging to the State Civil Services. We do not find the explanation in the affidavit to be satisfactory. We have been told by Mr Kale, the learned I/c. Government Pleader that within a period of two months, the Committee would be constituted and formed.

5. We record our displeasure for the manner the Chief Executive Officer is appointed in defiance of the order dated 2nd May, 2014 passed by this Court in the Civil Application No. 12240 of 2013. We expected responsible stand on the part of the Government.

6. The Government shall keep in mind that the Chief Executive Officer to be appointed shall be an IAS Officer in tune with the order of this

Court dated 2nd May, 2014. It is expected that the person to be appointed, is an IAS Officer and not a promotee and that would be in tune with the order of this Court dated 2nd May, 2014. The said order was passed by the Division Bench of this Court considering all the relevant aspects of the matter including the extent of the political influence and interference.

7. The Civil Application is disposed of.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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