

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1663 OF 2014

Vasanthi Kadhiravan

... Petitioner

Vs.

University of Mumbai & anr.

... Respondents

Ms.A.Rastogi i/b Ushajee Peri for the Petitioner

Mr.Rui Rodrigues for Respondent No.1

Mr.Santosh Mhatre i/b G.Sadavarte for Resp. No.2

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 6th JANUARY, 2015

PC.:

By this petition, the petitioner challenges the appointment of the Respondent No.2 on the post of Assistant Professor in the Department of Physical Education of the University of Mumbai.

The petitioner was appointed as a Reader and when she was the In-Charge Head of the Department, she had found that the behaviour of the respondent No.2, who was working on a temporary basis, was not as per the code of conduct as prescribed by the statutes. The petitioner then issued memos to the respondent No.2 and also asked the University to initiate action on the complaints made by the petitioner against the

respondent No.2. A committee was constituted by the University and it was found by the Committee that the grievance of the petitioner was genuine. After discontinuation of the services of the respondent No.2, the respondent No.2 approached the Teachers' Grievance Cell. The Grievance Committee found favour with the grievance of the respondent No.2. A complaint was lodged by the respondent No.2 against the petitioner and the petitioner was exonerated in the same. The respondent University issued an advertisement on 2.1.2013 for filling the vacancy in the post of the Assistant Professor, Department of Physical Education. The respondent No.2 applied for the same in pursuance of the advertisement and was appointed on the said post by an order dated 2.9.2013. The said appointment order is challenged by the petitioner in the instant petition.

It is rightly submitted on behalf of the respondent-University that the petitioner has no locus standi to challenge the appointment of the respondent No.2 on the post of the Assistant Professor. The respondent No.2 has been duly selected and appointed after following the recruitment procedure and the petitioner was not an aspirant for the said post. The petitioner cannot be said to be “a person aggrieved” and hence, the Writ Petition challenging the appointment of the respondent No.2 would not be maintainable at the behest of the petitioner. Merely because the petitioner

has a grudge against the respondent No.2 or according to the petitioner, the conduct of the respondent No.2 was not as per the code of conduct in the statutes of the university, the appointment of the respondent No.2 cannot be challenged in exercise of the writ jurisdiction.

In view of the aforesaid, the Writ Petition is dismissed with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)