

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2344/2014

(DR.VIRENDRA KESHAVRAO JUMADE **VERSUS** R.S.T.M. NAGPUR UNIVERSITY, NAGPUR & ORS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A.S. Kilor, counsel for the petitioner.
 Shri Arun Agrawal, counsel for the R-1 to 3.
 Shri Rohit Deo, counsel for the R-5.
 Shri S.P. Bhandarkar, counsel for the applicant-Intervenor.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : JUNE 17, 2015.

Stand over to 25.06.2015 for admission at the request
 of the learned counsel for the petitioner.

The parties are put to notice that the writ petition
 could be finally decided at the stage of admission.

C.A.W. NO.593/2015.

By this application, the applicant seeks intervention in
 the writ petition.

The applicant claims to have tendered evidence
 against the petitioner in the enquiry in which the petitioner was
 found to be guilty. It is stated in the application that the petitioner
 has levelled certain allegations against the applicant and, hence, it
 would be necessary for the applicant to refute the same. It is stated
 that a reference to the allegations is made in Paragraph 2 and
 Ground no.D in the writ petition.

We do not find that the applicant is either a necessary
 party or a proper party to this writ petition. The applicant has
 tendered the evidence against the petitioner in the enquiry. No
 personal allegation is levelled against the applicant in the writ
 petition. The following two averments are made in the
 petition-----

a. *“Similarly, one Shri Milind Sathe is also a teacher in the said college who belongs to reserved category.”*

b. *“Respondent No.3 Committee had recorded the statement of respondent No.5 on 25.09.2012 as well as statement of Shri Milind Sathe (applicant). The copy of statement of respondent No.5 is annexed herewith and marked as Annexure-P-5 as well as the statement of Shri Milind Sathe is annexed herewith and marked as Annexure-P-6.”*

The aforesaid two averments in the writ petition do not show that the applicant is either a necessary party or a proper party. No personal allegations whatsoever are levelled against the applicant in the writ petition. The applicant cannot be permitted to intervene in the writ petition and oppose the petition merely because the applicant has tendered evidence against the petitioner in the enquiry and is of the view that the punishment is rightly inflicted on the petitioner.

For the reasons aforesaid, the civil application stands rejected.

JUDGE

JUDGE

APTE