

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) Nos.7287/2014 & 4860/2014**

% **13th January, 2015**

1. **W.P.(C) No.7287/2014**

DR. K. RAYARPetitioner
Through: Counsel for the petitioner (appearance
not given).

VERSUS

UNION OF INDIA AND ORS. Respondents
Through: Mr. Ripu Daman Bhardwaj, CGSC
with Mr. T.P. Singh, Advocate for
UOI.

2. **W.P.(C) No.4860 /2014**

DR. K. RAYARPetitioner
Through: Counsel for the petitioner (appearance
not given).

VERSUS

UNION OF INDIA AND ORS. Respondents
Through: Mr. Ripu Daman Bhardwaj, CGSC
with Mr. T.P. Singh, Advocate for
UOI.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

W.P.(C) No.7287/2014

1. This writ petition filed under Article 226 of the Constitution of India, though in my opinion, raises a very important point of appointment of the Chairman to the Coir Board constituted under the Coir Industry Act, 1953 (hereinafter referred to as 'the Act'), however, I have no option but to dismiss the writ petition on account of lack of *locus standi* of the petitioner. Counsel for the petitioner was put a query by this Court that whether he wants to withdraw the petition with the liberty to file a fresh Public Interest Litigation but counsel for the petitioner insists that a judgment be passed.

2. Petitioner was appointed as a member of the Coir Board in terms of the notification dated 28.6.2011 for a period of three years. On account of the petitioner being a member, in terms of the minutes of the meeting dated 25.11.2013, petitioner became a Vice Chairman. However, as per Section 7 of the Act, Vice Chairman is a person who is appointed amongst the members and consequently once a person ceases to be a member of the Coir Board, such a person obviously will also cease to be the Vice Chairman on the date he ceases to be a member of the Coir Board. Petitioner's tenure as a member of the Coir Board, which is represented by the respondent no.4 being the Chairman of the Coir Board, came to an end on 27.6.2014. Once the petitioner ceases to be a

member of the Coir Board on account of his tenure coming to an end on 27.6.2014, the petitioner is no longer a member or a Vice Chairman of the Coir Board and therefore the petitioner would have no *locus standi* to question the appointment of the Chairman of the Coir Board unless petitioner files a Public Interest Litigation. In private litigation where certiorari etc are sought, the petitioner before the Court, must show his personal interest or right being affected, and without which petitioner does not have *locus standi*.

3. In view of the above, since the petitioner has no *locus standi* to question the appointment of the Chairman as he is not and cannot be an aspirant to the post of Chairman, and therefore this petition is dismissed, leaving the parties to bear their own costs.

W.P.(C) No.4860/2014

4. This writ petition seeks the relief of allowing the petitioner to perform the duties of the Chairman until another Chairman is appointed. This writ petition will also stand dismissed in terms of the reasoning given while dismissing W.P.(C) No.7287/2014.

JANUARY 13, 2015
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VALMIKI J. MEHTA, J