

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

WRIT PETITION NO. 3018 OF 2013

Pathan Ismail Khan S/o Wajed Khan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. J. Godbole, Advocate for the Petitioner.

Ms. S. S. Raut, A. G. P. for Respondent Nos. 1 and 2.

Shri Hemant Surve, Advocate for Respondent Nos. 3 to 5.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 30TH NOVEMBER, 2016.

PER COURT :

. Mr. Godbole, the learned counsel for the petitioner states that, when the earlier writ petition filed by the petitioner bearing Writ Petition No. 1011 of 2008 was pending, in the said writ petition, this Court had directed enquiry to be conducted. In the enquiry a statement is recorded of the present respondent No. 5. It is nowhere the case that, the respondent No. 5 was appointed in the year 2006. Illegality is writ large from the statement made by the respondent No. 5 with the enquiry officer and the joining report given by the respondent No. 5. According to the learned counsel these contradictory statements of the respondent No. 5 are sufficient to negate the case of the respondent No. 5.

The petitioner has given representation on 17.10.2012 thereby requesting to cancel the approval granted to the appointment of the respondent No. 5 as the same is obtained by playing fraud on the respondent No. 2. According to the learned counsel, limited prayer is made in the present petition that the respondent No. 1A be directed to consider and decide the representation dated 17.10.2012.

2. We have heard the learned counsel Mr. Surve, for respondent Nos. 2 to 5 and the learned Assistant Government Pleader for the respondent No. 1.

3. The petitioner would be a stranger to the cause put forth in the petition. An enquiry was conducted. Thereafter approval has been granted to the appointment of the respondent No. 5. The said approval is granted long back. It is not a case of the petitioner being an interested person or the rights of the petitioner being infringed because of the approval being granted in favour of the respondent No. 5. The respondent No. 3 appears to be a minority institution.

4. Considering the aforesaid conspectus of the matter, it would not be possible to accede to the request of the present petitioner. The writ petition as such is dismissed. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]