

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6129 OF 2006

JAYANT @ SUNIL VISHWANATH NAIK)...PETITIONER

V/s.

**SANGLI MIRAJ AND KUPWAD MUNICIPAL CORPORATION AND ORS.)
)...RESPONDENTS**

Mr.Akshay Kapadia i/b. M/s.J.Shekhar & Co., Advocate for the
Petitioner.

Mr.G.S.Keluskar, Advocate for Respondent Nos.1 and 2.

**CORAM : S.V.GANGAPURWALA &
A. M. BADAR, JJ.**

DATE : 20th JULY 2017

P.C. :

1 We have heard the learned counsel for the petitioner
and the learned counsel for the respondents.

2 The learned counsel for the petitioner states that the
petitioner was eligible to be appointed as an Assistant
Commissioner in the year 2006. During the pendency of the

present writ petition, the petitioner was appointed as Assistant Commissioner in the year 2011 and on attaining the age of superannuation, stood retired in the year 2016. The learned counsel submits that the appointment made in violation of Section 52 of the Act of 1949 by respondent nos.1 and 2 deserves to be set aside. The learned counsel further submits that compensation needs to be awarded to the petitioner for the wrong committed upon the petitioner.

3 The learned counsel for the respondents submits that at the relevant time the petitioner was not eligible to be promoted as the petitioner was not qualified. The petitioner did not have an experience of three years of the post of Head of Department.

4 The petitioner in the writ petition also has nowhere stated that he should be appointed as an Assistant Commissioner. He had made a blanket prayer that appointment made in violation of Section 52 by respondent nos.1 and 2 for the post of Assistant Commissioner and Town Secretary be set aside. The petitioner

has not arraigned the persons who were appointed at the relevant time as Assistant Commissioner and Town Secretary of respondent no.1. Any order passed would adversely affect those persons. They are not parties to the writ petition. In absence of those persons, who would be adversely affected, no relief could be granted to the petitioner.

5 Considering the above, the relief claimed cannot be considered.

6 Writ petition, as such, is dismissed. Rule discharged.
No costs.

(A. M. BADAR, J.)

(S.V.GANGAPURWALA, J.)