

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7932 OF 2017**

Vikas Uttam Borate and ors.

..Petitioners

Vs

The State of Maharashtra and ors.

..Respondents

Mr. S.C. Naidu a/w. Mr. Siddharth R. Karpe with Mr. V.V. Mohite for the Petitioners.

Mr. V.P. Malvankar, AGP for Respondent No.1.

Mr. Y. S. Jahagirdar, Sr. Advocate a/w. Mr. Dilip Bodke for Respondent No.4.

Mr. Rajendra Sarkate, Chief Executive Officer present.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : JULY 27, 2017.

P.C. :

. Parties through their counsel.

2] Through this petition, the petitioners have challenged the process of selection consequent to the the advertisement (Exhibit-A) including the shortlist and consequential appointment of the candidates. It is not in dispute that the selection process is complete and the appointment orders have been issued.

3] Learned senior advocate for respondent No.4 submits that on the basis of some complaints received in regard to aforesaid

appointments, the investigation has already been done and the report is pending for consideration and decision before the Commissioner – Respondent No.2. He submits that the petitioners have also filed identical complaint Exhibit-C, which was earlier made and on the basis of which investigation was carried out. He has also pointed out that in the earlier round of litigation against the respondents, this Court in Writ Petition (St) No. 14649 of 2017 vide order dated 7th June 2017 had directed the State to consider and take appropriate decision on the representation made by the petitioners of the said petition.

4] Learned counsel appearing for the petitioners submits that enquiry in regard to allegation regarding appointment is being now conducted by the Assistant Registrar Cooperative Societies as also by the District Deputy Registrar. He submits that in view of aforesaid, there may be conflicting reports and the interest of justice will serve, if all complaints are being decided by one authority, i.e., Secretary for Department of Cooperation.

5] Keeping in view of the aforesaid, we are inclined to dispose of this petition by directing the Secretary to look into the report, which was submitted before the Commissioner-Respondent No.2. Before taking any decision on the said report, the Secretary shall look into the grievances raised by the petitioners in the representation Exhibit-B and Exhibit-F.

6] Let the Secretary to look into the entire grievance and take decision in regard to the allegation independently as also by taking into consideration the report which has been received in the office of the Commissioner for Cooperation, Pune. Let the decision as aforesaid on the complaint be taken, within three months from the date of receipt of the copy of this order, after giving due opportunity of hearing to all parties.

7] All contentions of all parties are kept open including contention of respondent No.4 that the petitioners having participated in the selection process are not entitled to be heard in the matter.

8] Needless to say that we have not commented upon the merits of the matter and the Secretary shall consider all the aspects of the matter including the *locus standi* of the petitioners.

9] Learned senior advocate for respondent No.4, on instructions from Mr. Rajendra Sarkate, Chief Executive Officer, submits that till the matter is decided as aforesaid by the Secretary, respondent No.4 – Bank shall not confirm the impugned appointments.

10] With aforesaid directions, this petition is disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)