

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 160 OF 2015

Shri Dr.Subhanji S. Dhane. ... Petitioner.
V/s.
State of Maharashtra and others. ... Respondents.

Favzan Shaikh i/b. V.M.Thorat for the petitioner.
A.B.Vagyani, Govt.Pleader with M.M.Pable, AGP for the State.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND G.S.KULKARNI , J.**

DATE : 12th January 2017.

PC. :

On perusal of this petition we note that the challenge is to the appointment to the post of Vice Chancellor of the respondent university since there is violation of qualification criteria required for such post. Apparently, this petition is filed in the nature of public interest litigation. It is well settled that the service controversies cannot be entertained in public interest litigation unless a writ of *quo warranto* challenging the appointment for want of/ deficit of qualification is made out. Apparently, neither the candidate, who was ultimately appointed as Vice Chancellor of the

respondent university, is made a party to the proceeding nor there is a prayer of writ of *quo warranto*.

2. Under these circumstances, we dispose of this petition with a liberty to file fresh petition, if the petitioner so desires, in proper format with proper reliefs making necessary parties as respondents.

(G.S.KULKARNI, J.)

CHIEF JUSTICE