

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2084 OF 2016

Raja Basu and another : Petitioners.
versus
Union of India,
Through Secretary, Ministry of Shipping
Road Transport & Highways & ors. : Respondents.

Mr. Pradeep Havnur for the Petitioners.
Mr. Pranil Sonawane for the Respondent No.1.
Mr. Kevic Setalwad, Senior Advocate a/w Mr. S D Shetty and Ms. Kavita
Anchan i/by M.V.Kini & Co. for the Respondent No.2.

CORAM : R. M. SAVANT &
SMT. SADHANA S JADHAV, JJ.
DATE : 19th JUNE 2017

PC.

1 The above Petition challenges the appointment of the Respondent No.5 as Director (P&A) of the Respondent No.2 i.e. the Shipping Corporation of India Limited. The appointment is challenged on the ground that the Respondent No.5 is not educationally qualified to hold the said post. It seems that the Petitioners herein had earlier filed PIL being No.92 of 2015. A Division Bench of this Court was of the view that the PIL was not maintainable since the Petitioners as the employees of the Respondent No.2 had an interest in the subject matter of the said PIL. The Division Bench by order dated 11/04/2016 accordingly allowed the withdrawal of the said PIL with liberty to file appropriate proceedings. It is thereafter that the above Writ Petition has been filed.

2 The learned Senior Counsel appearing on behalf of the Respondent No.2 draws this Court's attention to the orders of compulsory retirement dated 13/04/2017 and 11/05/2007 passed against the Petitioners in terms of the Service Rules applicable to the employees of the Respondent No.2.

3 If that be so, the said supervening event of the Petitioners being compulsorily retired impinges upon their locus standi to maintain and pursue the above Writ Petition. Though the learned counsel appearing on behalf of the Petitioners Shri Pradip Havnur states that the Petitioners would be filing a Writ Petition challenging the said orders of compulsory retirement. In our view, the said fact would not aid the Petitioners to pursue the above Petition as the entitlement of the Petitioners to maintain and pursue the Petition challenging the appointment of the Respondent No.5 would be contingent upon the result of such challenge. It is therefore not necessary to keep the above Petition pending. The above Writ Petition is accordingly dismissed on the said ground. It is made clear that if the cause of action still survives and the Petitioners have the locus standi in future to file a Petition challenging the appointment of the Respondent No.5, they would be entitled to renew the said challenge.

[SMT. SADHANA S JADHAV, J]

[R.M.SAVANT, J]