

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO.1409 OF 2017

IN

WRIT PETITION NO. 2194 OF 2015

(The Joint Director of Higher Education Nagpur Division, Nagpur...VS...Shankar s/o Ganpatrao Bonde
and Others)

AND

CIVIL APPLICATION (CAW) NO.1410 OF 2017

IN

WRIT PETITION NO. 2195 OF 2015

(The Joint Director of Higher Education Nagpur Division, Nagpur...VS...Chindu Kodpaji Kadu and
Others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. D. J. Deshpande Advocate, h/f. Shri. Anand Parchure,
Advocate for the Applicant/intervenor.
Shri A. M. Deshpande, AGP for Respondent/State.
Shri A. C. Dharmadhikari, Advocate for Respondent No.1.

CORAM : S.C.GUPTE, J.

DATED : 13th SEPTEMBER, 2017.

Heard learned counsel for the parties.

02] These Civil Applications are taken out by the applicant claiming intervention in these two writ petitions. The subject matter of these writ petitions is challenge to two common orders passed by the College Tribunal on 21st September, 2010 and 31st July, 2012 in two appeals. The controversy in the appeals pertained to services of two lecturers, who are respectively, first respondents in the two petitions herein. The appeals were disposed of by orders passed on 21st September, 2010 in terms of compromise arrived at between these two first respondents and the

Management represented by respondent No.2 in both these petitions. This compromise is challenged by the petitioner in the present petitions. The challenge is mainly on the footing that the compromise was arrived at on a misrepresentation of facts. The compromise requires absorption of these respondents in two posts on grant-in-aid basis, when, according to the petitioner, no such vacant posts are available with the college on grant-in-aid basis.

03] It is not in dispute that the present applicant was terminated by an order dated 21st January, 2004, which was carried in appeal by him before the College Tribunal in Appeal No.7 of 2004. That appeal was withdrawn by him on 29th August, 2005. The applicant had also filed a petition before this Court, being Writ Petition No.2688 of 1997. That writ petition was also dismissed as withdrawn on 12th June, 2013 with liberty, however, to the applicant to make a representation to the respondents. The representation was made and decided against the applicant and his petition challenging that decision is pending before this Court (Writ Petition No.1175 of 2016). The applicant, aggrieved by the decision taken on his representation, has, thus, adopted his own remedy in accordance with law.

04] As far as the present petition is concerned, the applicant really has no locus. The question to be decided in these petitions is whether or not the parties to these petitions could have compromised the two pending appeals before the College Tribunal. A fellow employee who has ceased to be in service has practically no standing to support, or show cause to, the petitions. Merely because his representation, which concerned his service, was rejected and his challenge to that

rejection is pending before this Court (his petition is yet to be admitted), he does not get locus to intervene in these petitions.

05] The Civil Applications are, accordingly, dismissed.
No order as to costs.

JUDGE

PBP