

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1328 OF 2018
IN
WRIT PETITION NO. 5397 OF 2016**

Smt. Hasinabee Laldesab Hipparage	...Applicant
<u>In the matter between :</u>	
Smt. Tejaswini Raghunath Galande	...Petitioner
Versus	
Chairman, Maharashtra Public Service Commission & Ors.	...Respondents

**WITH
WRIT PETITION NO. 5396 OF 2016**

Smt. Tejaswini Raghunath Galande	...Petitioner
Versus	
Chairman, Maharashtra Public Service Commission & Ors.	...Respondents

Mr. Sagar Mane i/b. Ms Ashwini N. Bandiwadekar for Applicant in CA.
Ms Anita Patil I/b. Mr. S. J. Ghogare for Petitioner in both Petitions.
Mr. Ashish Kamat i/b. Mr. Asif I. Patel for Respondent No. 1 in both Petitions.
Mr. C. P. Yadav – AGP for State in both Petitions.
Mr. Gaurav A. Bandiwadekar for Respondent Nos. 6 and 7 in WP 5396 of 2016.

**CORAM: SMT. V. K. TAHILRAMANI, Acting C. J. &
M. S. SONAK, J.
DATE : 02 JULY 2018**

P.C. :

1] Writ petition no. 5396 of 2016 is not on board. By consent, taken on board.

2] Heard the learned counsel for the parties.

3] Mr. Sagar Mane, the learned counsel for the applicant in civil application no. 1328 of 2018 in writ petition no. 5397 of 2016 submits that the interim order made by this Court in the present petition directly affects the applicant, since, she is already selected and recommended for appointment against the open (female) category. Mr. Mane therefore submits that the applicant is a necessary party to this petition.

4] Ms Anita Patil, the learned counsel for the petitioner submits that the applicant is neither a necessary nor a proper party in these proceedings. She submits that the writ petition no. 5397 of 2016 can be decided in the absence of the applicant.

5] Upon a due consideration of the rival contentions and upon perusing the averments in the civil application, we are satisfied that the applicant is required to be impleaded as a respondent for full and effective adjudication of the issues

which arise in writ petition no. 5397 of 2016. Further, any orders made in writ petition no. 5397 of 2016, are bound to affect interests of the applicant who has already been selected and recommended from the open (female) category. Therefore, the civil application is made absolute in terms of prayer clause (a).

6] The petitioner is directed to carry out the necessary amendment and effect service upon the applicant within two weeks from today. Mr. Mane states that he will waive notice for the applicant in writ petition no. 5397 of 2016. This statement is accepted.

7] Civil application is disposed of in the aforesaid terms.

8] Place both the writ petitions for admission on 25th July 2018.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

CHANDKA