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

WRIT PETITION NO. 3056 OF 2017

The Maharashtra Underprivileged
Teachers Association

..Petitioner

Versus

The Principal Secretary and Ors.

..Respondents

Ms. Babita P. Pandey for the Petitioner.

Mr. L.M. Acharya, Special Counsel a/w Mr. Kedar Dighe, AGP for
Respondent Nos.1, 2, 9, and 11 / State.

Mr. Rui A Rodrigues for Respondent Nos. 4, 5, 7 and 8.

Ms. Ayushi Anandpara i/b M/s Federal & Rashmikanth for Respondent
No.24.

Ms. Swapna Roopvate and Ms. Spardha Sharma & Ms. Gauri
Sakhardande i/b Mr. Tushar Goradia for Respondent Nos. 28, 58 and
62.

Mr. Ajit S. Karvande for Respondent Nos. 20, 21, 23, 29, 32, 46, 49,
50, 54, 56, 57, 60, 61, 63, 64, 65.

Mr. P.M. Palshikar for Respondent No.27.

Mr. Arvind G. Kothari for Respondent No.33.

Mr. Aniruddha Joshi a/w Ms. Sarika Mehra i/b M/s. L.J. Law for
Respondent No.34.

Mr. V.P. Vaidya a/w Mr. Mahendra Ajgavkar for Respondent Nos. 35
and 47.

Mr. Sharique Nachan i/b M/s Judicare Law Associate for Respondent
No.41.

Mr. P.V. Satam for Respondent No.42.

Ms. Meena Shah i/b M/s. Pandya & Co. for Respondent No.55.

**CORAM: B. R. GAVAI &
SMT. BHARATI H. DANGRE, JJ.**

DATE: 25th APRIL, 2018

P.C.:

1] Petitioner has approached this Court being aggrieved by the order dated 29/04/2017 vide which Respondent No.1, in pursuance to the orders passed by this Court dated 05/01/2017, has found no substance in the complaints made by the Petitioner.

2] From the material placed on record, it would reveal that the Petitioner had approached this Court by way of Public Interest Litigation No.80 of 2015, alleging therein that, the selection process for appointment of Principal in 18 Colleges was manipulated and not in accordance with law and the persons who were selected were not entitled to continue. A Division Bench of this Court vide order dated 05/01/2017, expressed certain apprehensions about maintainability of the Petition. However, taking into consideration the grievance of the Petitioner, it was observed that, either Association or the individual persons aggrieved, may make representation to Respondent No.1 who was to decide it in accordance with law.

3] Accordingly, representation was made to Respondent No.1. Respondent No.1 gave an opportunity of being heard to all the concerned parties and after hearing them, did not find substance in the complaints and therefore took the decision accordingly. Being aggrieved thereby, the present Petition.

4] Smt. Babita Pandey, learned Counsel appearing on behalf of the

Petitioner – Association, submits that the API rank, which was given to the persons selected by Selection Committee was totally manipulated so as to see to it that such persons are selected.

5] We find that, there are more than one hurdle in the way of the present Petitioner. Firstly, it is a Petition by an Association, challenging the selection of 20 persons in 20 Colleges. Atleast 20 persons must have been aggrieved by their non-selection in the said selection process. No doubt that, the law on *locus standi* has been diluted by the Hon'ble Apex Court in the case of *S.P. Gupta vs. Union of India*¹ and it is not strictly necessary that only a person aggrieved has to approach the Court. However, a Petition at the behest of some body else, who is not really aggrieved, would be tenable only when such person on account of certain socio-economic reasons is not in a position to knock the doors of this Court directly. It cannot be said that, the persons who appeared in the interview for the post of Principal and who failed in the selection process, are the persons who belonged to that disadvantageous group which would be permitted to litigate at the behest of another person. In that view of the matter, we are of the view that the present Petition filed by the Petitioner would not be tenable.

6] Apart from that, a very generalistic allegation is made that, API ranking of the persons selected has been manipulated. It has to be noted that, the Selection Committee not only consisted of the

1 AIR 1982 SC 149

representatives of the Management but also of the nominee of Vice Chancellor and of Director of Higher and Technical Education including subject experts. It could thus be seen that, apart from representatives of the Management, the Selection Committee also consisted of independent persons. It is difficult to digest that 20 Selection Committees of 20 Colleges consisting about 100 members have manipulated records of all the 20 Colleges.

7] In any case, if it is the case of the Petitioner – Association that, the said members of the Committee have manipulated the record then, in effect, Petitioner is attributing malafides to such members and unless such persons against whom malafides are attributed are impleaded as party-respondents and specific allegations are made against them, allegations of malafide cannot be heard.

8] In that view of the matter, we find no merit in the Petition. Petition stands rejected.

(SMT. BHARATI H. DANGRE, J.)

(B. R. GAVAI, J.)