

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

19 CA/2505/2019 IN WP/1100/2019

VIDYABHUAHAN YUVAK MANDAL THROUGH SECRETARY
SANJAY DIGAMBARAO KULEY
VERSUS
CHANDRASAGAR BAHUUDDESHIYA SEVABHAVI SANSTHA THROUGH
SECRETARY USHA LAXMAN BHALKE AND OTHERS.

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Advocate for Petitioners : Mr. V.D. Gunale
Adv. for Non- applicant : Mr. R.R. Mantri, Advocate h/f. Mr. V.D. Gunale,
Advocate for petitioner in W.P.

. . .

**CORAM : S. V. GANGAPURWALA &
K.K. SONAWAJE, JJ.**

DATE : 22ND AUGUST, 2019.

PER COURT:

Heard Mr. Thombre for the applicant.

Mr. Mantri appearing for the non-applicant No.1 submits that the applicant is not a necessary party to the present writ petition. Three schools run by the present applicant were transferred to the present writ petitioner because of the illegalities committed by the present applicant in running the schools. Even objection was taken by the villagers. The petitioners had approached this court challenging the action of the authorities. This court dismissed the writ petition filed by the present applicant bearing W.P. Nos.4175 of 2013 and 5618 of 2013 vide judgment and order dated 9.1.2014.

Special leave petition filed by the present applicant is also dismissed. Schools are rightly transferred in favour of the writ petitioner. The applicant, with malafide intention took up the proceeding to the Honourable Minister. The Minister does not have any jurisdiction to entertain

the said proceeding. The writ petitioner has challenged the proceeding before the Minister and has also challenged the order claiming recovery about the salary paid to the employees.

The contention of the original writ petitioner is that, the writ petition is challenging the proceeding taken up by the present applicant, before the Honourable Minister. When the proceeding before the Honourable Minister at the behest of the present applicant is challenged in the writ petition, naturally, the applicant would be a necessary party to the writ petition. In case orders are passed in favour of the petitioner, the proceeding initiated by the applicant before the Honourable Minister will have to be set aside and that would be without hearing the present applicant. Such a recourse would not be permissible.

In the light of above, the present civil application is allowed. The present applicant be added as party respondent in the writ petition.

In view of the order passed in C.A. No. 2505 of 2019 of 2019 Civil application No. 10152 of 2019 stands disposed of.

It appears that the intervenor who is directed to be added as party, has already filed affidavit to the writ petition, same can be read now.

Mr. Mantri seeks time to file rejoinder to the said affidavit. Time granted.

Stand over for two weeks. Interim relief to continue till then. Writ petition No. 6628 of 2018 be placed alongwith the present petition.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-