

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION (STAMP) NO.11058 OF 2020**

**SANDEEP VASANTRAO KULKARNI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.V.R.Jain, Advocate for petitioner
Mr.K.N.Lokhande, AGP for respondents

**CORAM : S.V. GANGAPURWALA
AND
R.G. AVACHAT, JJ.
DATE : AUGUST 13, 2020**

PER COURT :-

We can not fathom and entertain the Writ Petition of the present nature. The petitioner seeks direction against respondent no.1 to issue recommendation letter in the name of the petitioner and send it to the office of respondent no.2 for further process of appointment as a Member of Legislative Council of Maharashtra from the quota of social worker, as contemplated under Article 171(5) of Constitution of India.

2. Article 171(5) of the Constitution of India empowers the Hon'ble Governor to nominate a person as a Member of Legislative Council.

3. The petitioner could not have maintained the Writ Petition, seeking such a direction. It is the prerogative of the Hon'ble Governor to nominate a person as a Member of the Legislative Council considering the criteria detailed in Article 171(5) of the Constitution of India. No person can claim vested right to be nominated as a Member of Legislative Council, only because he claims to be a social worker.

4. In view of the above, the Writ Petition is dismissed.

[R.G. AVACHAT, J.]

[S.V. GANGAPURWALA , J.]

kbp