

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8726 OF 2014

Narayan S. Wambhire

.. Petitioner

Versus

His Excellency Mr. K. Shankar Narayan,
Governor of Maharashtra & Ors.

.. Respondents

-
- Mr. Uday Warunjikar for the Petitioner
 - Ms. M.P. Thakur, AGP for the State
 - Mr. Jay Bhatia a/w Mr. Rohan Munj for Respondent Nos. 7, 8 and 12
 - Mr. Aurup Dasgupta i/by M/s. Jhangiani Narula & Associates for Respondent No. 11
 - Mr. A.M. Kulkarni a/w Mr. Sarthak Diwan for Respondent No. 10
 - Mr. Abhay A. Anturkar a/w Mr. Nikhil Agrawal and Mr. Ajinkya Udane for Respondent No. 13
 - Ms. Prabha Badadare for Respondent No. 14
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**CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : MARCH 18, 2021.

P.C. (PER MILIND N. JADHAV, J.):

Heard learned counsel for the
parties.

2. By this petition filed under Article 226 of the Constitution of India, Petitioner is seeking the following reliefs:-

- "(a) Be pleased to call for record and proceedings of the Government Notification dated 07.06.2014 as well as the recommendation made by Respondent No. 2 dated 03.06.2014 and acceptance of the same by Respondent No. 1 on 06.06.2014 and after going through the same and satisfying about the legality, validity and propriety thereof be pleased to quash and set aside the same;
- (b) Similarly further be pleased to call for record and proceedings of the recommendation made by respondent No. 2 in favour of the last two respondents and acceptance of the recommendations by Respondent No. 1 in favour of the last two respondents and further be pleased to call for record and proceedings of the notification issued by the State in favour of the last two respondents and after going through the same and satisfying about the legality, validity and propriety thereof be pleased to quash and set aside the same;
- (c) Further be pleased to direct Respondent No. 1 to consider the candidature of the present Petition herein under Article 171(5) of the Constitution of India, 1950 within such period as this Hon'ble High Court may deem fit and proper."

3. Petitioner has asserted that under the provisions of Article 171(5) read with Article 171 (3) of the Constitution of India, Respondent No. 1 accepted the recommendations of the Council of Ministers and nominated Respondent Nos. 3 to 14 as members of the Maharashtra Legislative Council. The present petition challenges this decision.

4. It is not disputed that the tenure and term of the nominated members has already come to an end by efflux of time under Article 172(2) of the Constitution of India. In view thereof, the reliefs claimed in the petition qua the Respondents no longer survive and the petition is rendered infructuous as on date.

5. Writ Petition is accordingly dismissed. However, there shall be no order as to costs.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]

Ravindra
M.
Amberkar

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