

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3900 OF 2021

Mandar Ashok Sawantdesai ... Petitioner.
V/s.
The State of Maharashtra & Others ... Respondents.

Ms. Anjali N. Helekar, for the Petitioner.
Mr. N.K. Rajpurohit, AGP, for the Respondent-State.
Mr. Ashutosh M. Kulkarni, for Respondent No. 5.
Mr. L.M. Acharya, with Mr. Ameet Mohite and Ms. Jayashri
Manjrekar, i/b Solicis Lex, for Respondent No. 7.

**CORAM : NITIN JAMDAR AND
AMIT BORKAR, JJ.**

**DATE : 10 JANUARY 2022.
(Through Video Conferencing)**

P.C. :

The Petitioner has sought to challenge the order passed by the Department of Higher and Technical Education, State of Maharashtra in favour of Respondent No. 7 – Educational Institute permitting to start a Satellite Centre.

2. In light of the objection raised by the Respondent No. 7, we have to examine the locus of the Petitioner before entering into further inquiry. The petition is not a Public Interest Litigation and,

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Note: This order is modified as per order dated 10 February 2022 to correct the appearances.

therefore, the legal right and the legal injury to the Petitioner needs to be demonstrated to maintain locus to file the petition.

3. By the impugned order, the Respondent No. 2 has granted permission to the Respondent No. 7 to open a Satellite Centre in District Sindhudurg. According to the Petitioner, the permission has been granted in contravention of law. In the petition how the Petitioner's right, if any, is affected is not stated. The learned Counsel for the Petitioner states that the Petitioner being a member of the Senate of the University is entitled to take up the issue on behalf of the Respondent – University. To a specific query to the learned Counsel of the University as to whether the Respondent – University has authorized the Petitioner to file the petition, the learned Counsel for the Respondent – University has replied in negative. Even assuming that the Respondent – University do not approve of the impugned decision, the Respondent – University can take cognizance and take necessary steps in law if permissible and the interest of the Respondent – University cannot be espoused by the Petitioner when the Respondent – University does not state that it has authorized the Petitioner to do so. The entire petition is devoted to demonstrate how the permission granted is not correct. The Respondent No. 7 has filed reply affidavit and justified the grant of permission, and has contended that the petition is filed by the Petitioner out of local politics.

Note: This order is modified as per order dated 10 February 2022 to correct the appearances.

4. We are not inclined to examine the merits of the controversy at the behest of the Petitioner. There is no legal injury to the Petitioner nor any legal right vested in the Petitioner is violated. As stated earlier, this is not a Public Interest Litigation, for which this Court has framed separate Rules. In light thereof, the Writ Petition is rejected.

(AMIT BORKAR, J.)

(NITIN JAMDAR, J.)