

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

INTERIM APPLICATION NO. 1469 OF 2021
IN
WRIT PETITION (L) NO. 7513 OF 2020

Ziauddin Qamruddin Shaikh

...Intervener

In the matter between

Miss Parvin Fatima Iftekhar Hasan Sayed

...Petitioner

vs.

The State of Maharashtra & Ors.

...Respondents

Mr.Kishor Patil i/b. Aarti Bhide for Applicant/Intervener.

Mr.Manish Upadhye, AGP for Respondent Nos.1 to 5.

Mr.Swaraj Jadhav for original Petitioner.

**CORAM : SUNIL B. SHUKRE &
G.A. SANAP, JJ.**

DATED : 9 MARCH 2022

PC. :

. Heard.

2. The application is opposed by learned Counsel for the Petitioner. Although learned AGP for Respondent Nos.1 to 5 submits that intervener is a necessary party to this petition and it is also the stand of the State that without him being made a party Respondent, this petition would not be maintainable, learned Counsel for the Petitioner submits that the complaint filed by the intervener was taken cognizance of and positive order on the lines expected by the intervener was also passed by the Education Officer and therefore, now the complainant has no further

interest in this lis. It is submitted that after having accepted the complaint of the Applicant, the lis is now between the Petitioner and the Respondents and that the complainant, like the intervener, has got nothing to do so by the intervention. It is also submitted that the filing of the application is an attempt to delay the matter.

3. The grounds taken for opposing this application, in our view, are not tenable in law. The reason being that the intervener knew certain relevant facts which he thought it fit to bring them to the notice of the authorities and he did so with a view to maintain certain standards of education and transparency in running the affairs of the school. Now with the same intention, the Applicant wants to join the lis so that he can assist this court in resolving the dispute appropriately. In a matter where it has been found by the authorities, on the basis of the information supplied by the intervener that there was some irregularity in obtaining of requisite qualifications by the Petitioner, the presence of a person like the intervener before this court is necessary for doing justice. The dispute may be between the Petitioner and Respondent. But the interest of the intervener would be over only after it is resolved. About attempt to delay the matter, we do not think so as it should been the Petitioner herself, who should have joined the complainant as a necessary party. The delay, which is caused, is not caused by this Applicant, but it appears to be because of the Petitioner.

4. In the result, the application is allowed. The Intervener/Applicant is directed to be joined as party Respondent by carrying out necessary amendment to the cause title within one week and thereafter, the petition be listed on board for admission and if possible, for final disposal at admissions stage. Reverification by the Registry is

dispensed with.

5. S.O. to 1 April 2022. Ad-interim order is continued till next date. Meanwhile, newly added Respondent may file his reply.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)