

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5126 OF 2022

Girish K. Chudasama

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

....

Mr.Runwal P. P., Advocate for Petitioner.

Mr.Rahul Karnik, Advocate for Respondent Nos. 6 to 9, 11 to 23, 25, 26 & 28 to 35.

Mr.Aditya Khanna, Advocate for Respondent No.5.

Mr.A.I. Patel, Addl. G.P a/w Mr. A.P Vanarse, AGP, for Respondent-State.

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**CORAM : K. R. SHRIRAM &
RAJESH S PATIL, JJ.**

DATED : 15th FEBRUARY 2023

P.C.:

The Petition has been filed by a disgruntled member of Respondent No.5 whose grievance is that Respondent No.5 had recruited 19 clerks, 6 peons and 2 drivers without following the reservation policy while carrying out recruitment process, more number of persons have been recruited than the post advertised and no procedure prescribed under law has been followed. For the post 19 clerks, it is petitioner's case that 20 vacancies have been filled and instead of 6 posts of peon

advertised 8 have been filled and there was no post advertised for drivers but two drivers have been appointed. According to Petitioner, many of the appointees have relatives working in Respondent No.5 bank.

2 Before we proceed further, we have to note that Petitioner is not someone who lost out in the recruitment process, but, as noted earlier is only a member and a share holder of the bank. Mr.Runwal, on instructions from Petitioner states that, Petitioner has also being receiving dividend for the equity shares he holds in Respondent No.5.

3 Mr.Khanna states that only 19 junior clerks have been appointed since April 2020, almost three years ago. As regards the peons and drivers are concerned, Respondent No.5 admittedly has appointed 8 peons, two of whom could also drive. Mr.Khanna states that this is a small bank for salary earners who are working for Naval Dockyard, and it is not a bank where there are large number of branches and an attempt to defraud the public has taken place. Mr.Khanna states it's a small bank and nothing illegal has been made as alleged in the Petition. Mr.Khanna also further submits fairly and supported by Mr.Karnik, who is appearing for the employees recruited that Petitioner has no locus to file this Petition because he is not an applicant who lost out being recruited by

the bank. Mr.Khanna submitted that Petitioner is a share holder member and as a share holder member he had lodged a complaint with the District Deputy Registrar, Mumbai, making allegations that recruitment process have not been followed and that complaint has been disposed.

7 We have considered an affidavit filed by one Prashant Bhauroao Satpute, affirmed on 9th February 2023, the Deputy Registrar, Co-operative Societies, A ward, Mumbai, on behalf of Respondent Nos.2 and 4, to which is also annexed a copy of his report dated 22nd October 2021. An English translation thereof has been provided. In the report it is stated that there is no reservation policy applicable for the recruitment, as the bank has not received any share capital from the Government. The report annexed to the affidavit only red flags an irregularity in the appointment of two drivers. Mr.Khanna in fairness agreed that even though Respondent No.5 may not have strictly complied with the guidelines, the guidelines are only suggestive and the irregularities are not so glaring that the employment of almost 25 employees who have been working for three years with Respondent No.5 bank should be disturbed. Mr.Khanna submitted, and rightly so, that Petitioner being a shareholder member of Respondent No.5, by filing these complaints

Petitioner is actually fighting against the same institution from where he is earning the dividend. Mr.Khanna also assured that Respondent no.5, in future will strictly abide by whatever the guidelines are in force so that nobody, even a member/shareholder will have an opportunity to make a grievance. Therefore, considering the overall situation, we see no reason to interfere. Petition dismissed.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)