

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.4 OF 2020
WITH
INTERIM APPLICATION NO.17167 OF 2022
IN
PUBLIC INTEREST LITIGATION NO.4 OF 2020

Sunil Tukaram JagtapPetitioner/Applicant
V/S

Sanjay Krishnarao Taksande & Ors.Respondents

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Mr. Shriram S. Kulkarni for the Petitioner/Applicant.

Mr. G.S. Godbole a/w Mr. A.R. Gole for Respondent No.1.

Mr. Hrishikesh Chavan for Respondent No.2-MSEB.

Mr. Anil Sakhare, Senior Advocate and Mr. Kiran Gavellkar i/b M/s. Little & Co. for Respondent No.4-MSEDCL.

Mr. P.P. Kakade, GP a/w Mr. M.M. Pabale, AGP for Respondent Nos.3 and 7-State.

Mr. Abhijit Joshi for Respondent Nos.5 and 6-MSETCL.

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**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATE : 1st FEBRUARY 2023.

P.C.:

1 We have heard the learned Advocate for the Petitioner/Applicant and the learned Advocates for the respective Respondents.

2 The learned Advocate for the Petitioner submits that the Petitioner has filed Interim Application for amendment in view of the subsequent

development. He submits that the Petitioner had challenged the appointment of Respondent No.1 initially with Respondent No.5. The tenure of Respondent No.1 with Respondent No.5 is over. Fresh selection process was conducted by Respondent No.4 in which Respondent No.1 is selected as Director (Operations). The same is also against the rules. The rules require that a person with impeccable past history can be considered. The Respondent No.1 does not fit into it.

3 The learned Advocate for the Respondent submits that the fresh appointment is by another employer, the cause of action of the Writ Petition now does not subsist. In view of that in a Writ Petition, for which the cause of action does subsist, amendment may not be allowed.

4 It is not disputed by the learned Advocate for the Petitioner that when the PIL was filed Petitioner was seeking writ of quo warranto qua appointment of Respondent No.1 by Respondent No.5. The tenure of Respondent No.1 with Respondent No.5 is over. Respondent No.4 conducted fresh selection process and has selected Respondent No.1 as Director (Operations). The same would be a completely fresh cause of action as the employer and the designation has changed.

5 In light of above, as the relief in the original Writ Petition itself has become infructuous, it would be improper to consider the present

Application for amendment. It is for the Petitioner to take appropriate steps by filing proceedings as may be maintainable.

6 In light of above, the PIL and Interim Application stands disposed of. The Petitioner may take proceedings as may be permissible under law. In that event all contentions of the Petitioner as well as respective Respondents are kept open. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

SUDARSHAN
RAJALINGAM
KATKAM

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