



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2617 OF 2024
IN
WRIT PETITION NO. 1891 OF 2024

Dipak Arun Sapakale

...Applicant

Versus

The State of Maharashtra
Through Principal Secretary
and others

...Respondents

.....

Mr. Ishwar K. Wagh, advocate for the applicant

Mr. A.R. Kale, A.G.P. for respondent Nos. 1 to 5.

Mr. Harish S. Adwant h/f Mr. S.V. Adwant, advocate for
respondent Nos. 6 to 8.

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CORAM : DEVENDRA KUMAR UPADHYAYA, CJ.
& KISHORE C. SANT, J.

DATE : 26th JULY, 2024.

P.C. :

1. This application has been moved by the Applicant, Dipak Sapakale, who describes himself in the application as an advocate and Vice President of the State Students' Union.

2. In the application, it has been alleged that the petitioner has been involved in various irregularities and such irregularities were highlighted in various newspapers.

He has further stated that the Applicant himself made a representation to the Commissioner, Women and Child Development, State of Maharashtra on 29.12.2023 and again on 24.01.2024 to the Hon'ble Governor of the State. The representation made to the Hon'ble Governor, as said by the Applicant himself in the application, is dated 24.01.2024, whereas the impugned notification whereby the appointment of the Petitioner has been terminated in terms of provisions contained in Section 27(7)(i) of the Juvenile Justice (Care and Protection of Children) Act, 2015 was passed only a day after of the said alleged representation dated 24.1.2024.

3. It is submitted by the learned counsel for the Applicant that since the impugned notification has been issued on the complaint of the Applicant, as such the Applicant is necessary party to the petition.

4. Having heard the learned counsel for the Applicant, we find that the Applicant does not have any locus to intervene in the matter. As per his own averments, he made representation to the Hon'ble Governor on 24.01.2024

and the impugned notification, terminating the appointment of the petitioner, was issued on 25.01.2024. The impugned notification also states that it was issued after conducting an enquiry to certain allegations against the Petitioner. Accordingly, it is not that appointment of the Petitioner has been terminated after conducting enquiry on the basis of the alleged representation made by the Applicant. The enquiry against the Petitioner appears to have been conducted on various materials which were available before the State Government. We may further notice that the Applicant relies upon some letter appears to have been written to the Commissioner, Women and Child Development, State of Maharashtra, which has been enclosed at Exhibit A-7 to this application, which is undated and appears to have been written on a letter head of Maharashtra Students Union. The said letter head does not disclose as to whether the Maharashtra Students Union is a Society or any other body registered under the Societies Registration Act or any other relevant enactment or it is affiliated or associated with any educational institution, including the University or the College. It appears that the Applicant is a self styled Vice President of the State Student Union, whose legal status

cannot be ascertained from the documents enclosed with the instant application.

5. In view of the findings given above, in our opinion, the applicant does not have any locus to intervene in the instant application. The prayer made by the applicant in the application is liable to be rejected. Accordingly, the application is rejected.

6. We make it clear that the observations made in this order are only for the purpose of considering the prayer for impleadment/intervention, which do not have any bearing on the main matter.

(KISHORE C. SANT, J.)

(CHIEF JUSTICE)

rlj/