

Pdp

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

PUBLIC INTEREST LITIGATION NO. 42 OF 2024

Sanjay Shankar Kokate

.. Petitioner

Versus

The Union of India & Ors.

.. Respondents

Mr. Rahul Tiwari for petitioner.

Mr. Niranjana Shimp for respondent nos.1 and 4.

Mr. Vivek Khema for respondent nos.2 and 3.

Mr. Jainendra Sheth i/by Rui Rodrigues for respondent no.5.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
AMIT BORKAR, J.**

DATE: 21st AUGUST, 2024

P.C.:

- 1.** Heard learned counsel for the parties.
- 2.** This Public Interest Litigation petition has been filed challenging certain appointments of teaching faculty made by the respondent nos.2 and 3 at Mumbadevi Adarsh Sanskrit Mahavidyalaya on the alleged ground that such appointments are illegal and hence are null and void. The other prayer made in the PIL petition is that a direction be issued to respondent nos. 2 and 3 to appoint teachers as per the guidelines issued by the University Grant Commission. Several other ancillary prayers have also been made.
- 3.** At the out-set, we may point out that the persons whose appointments have been challenged, in respect of which

prayer for declaring such appointments to be null and void has been made, have not been arrayed as party-respondents. Since it is their appointments which are under challenge in this PIL petition, they are the necessary parties and accordingly such persons having not been impleaded as party-respondents, this PIL petition clearly suffers from the vice of non-joinder of necessary parties.

4. Secondly, we may also note that it is well settled principle of law that in service matters, the PIL petition cannot be entertained.

5. When the learned counsel for the petitioner was confronted with the aforesaid legal position, he cites the judgment of the Hon'ble Supreme Court in the case of ***Secretary, State of Karnataka & Ors. vs. Umadevi (3) & Ors., reported in (2006) 4 SCC 1*** and refers to paragraphs 2, 4, 6, 42, and 43 to submit that every public employment has to be made in accordance with law and that equality of opportunity should be ensured in the matter of public employment. He has also relied upon the judgment of the Hon'ble Supreme Court in the case of ***S. P. Gupta Vs. Union of India, reported in 1981 Supp. SCC 87***.

6. In our opinion none of the aforesaid judgments improve the case of the petitioner for the reason that it has already been held by the Hon'ble Supreme Court in the case of Dr. B. ***Singh vs. Union of India & Ors., reported in (2004) 3 SCC 363*** that in service dispute, the PIL petition cannot be entertained except for a writ of quo warranto which in this PIL petition has not been prayed for.

7. For the aforesaid reasons, the PIL petition is dismissed.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)

Digitally
signed by
PRAVIN
DASHARATH
PANDIT
Date:
2024.08.22
17:34:16
+0530