



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAW) No.939/2024 & WRIT PETITION NO.
1146/2024

Gajanan Wamanrao Chaudhari and others **V/s** State of
Maharashtra and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. S.M. Vaishnav, Advocate for petitioners.
Mr. D.P. Thakre, Addl.GP for respondent nos.1 to 3.
Mr. R.M. Bhangde, Senior Advocate assisted by Ms. Sejal S. Sarda,
Advocate for respondent no.5.
Mr. A.M. Ghare, Advocate for respondent no.6.

CORAM : NITIN W. SAMBRE & ABHAY J. MANTRI, JJ.
DATE : APRIL 23, 2024.

Heard.

2. This is an application for grant of interim relief in the matter of restraining the respondent nos.5 and 6 from taking any steps as per the recruitment notice dated 7th February, 2024.

3. Mr. Bhangde, learned Senior Counsel appearing for the said respondents has raised preliminary objection pointing out that the petitioner nos.1 and 2 are the share-holders and petitioner nos.3 and 4 were the Directors. None of these petitioners have participated in the selection process or has applied pursuant to the advertisement. In such an eventuality, according to Mr. Bhangde, learned Senior Counsel, the petition is not maintainable. So as to substantiate his contention Mr. Bhangde, learned Senior Counsel has drawn support from the

judgment of the Apex Court in the matter of ***Vishal Ashok Thorat and others Vs. Rajesh Shrirambapu Fate and others with connected matters*** reported in ***(2020) 18 SCC 673***.

4. According to Mr. Bhangde, learned Senior Counsel, this Court though shown indulgence in the said matter, the Apex Court has disapproved the approach of this Court and has categorically recorded a finding that the petition at the behest of such person, who are not connected with the selection process cannot be said to be maintainable.

5. Prima facie, there appears to be substance in the submission of Mr. Bhangde, learned Senior Counsel.

6. Apart from above, we are already made the selection process, subject to outcome of the petition.

7. In that view of the matter, we deem it appropriate to reject the prayer for grant of interim relief.

8. Civil Application accordingly stands rejected.

9. Post the matter for admission on 11th June, 2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)