

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

WRIT PETITION NO. 10789 OF 2025

Shailendra Vishwanath Khedekar

... Petitioner

versus

The State of Maharashtra & Ors.

... Respondents

...

Mr. Ramchandra Wagh with Mr. Siddharth R. Ghodke i/b. Mr. Narayan G. Rokde for the Petitioner.

Mr. P.P. Kakade, Addl. GP with Mrs. P.N. Diwan, AGP for the Respondent - State.

...

**CORAM : RAVINDRA V. GHUGE &
HITEN S. VENEGAVKAR, JJ.**

DATE : APRIL 16, 2026

P.C:

1. The Petitioner is before this Court claiming, as a matter of right, a nomination as a Member in the formation of a Street Vendor Committee (the Committee), to be constituted for the survey of hawkers, preparation and publication of voter lists, conduct of elections, and submission of the report. Such a Committee was to be constituted under the directions of this Court dated 01.11.2017 passed in Writ Petition No. 652 of 2017. Pursuant to which, the Government issued a letter dated 23.11.2017, for the constitution of such a Committee.

2. By letter dated 12.04.2022, the Department of Urban Development issued a communication to the Commissioner/Director of the Municipal Council Administration regarding implementation of the fresh Hawkers Scheme.

3. On 18.07.2023, the Deputy Commissioner issued a letter to the Chairperson of the City Street Vendors Committee, Pune, stating that the Pune Municipal Corporation had constituted a Committee as per the Court's order. While appointing the representative/member for NGO, one eligible candidate, Mr. Sunil Vasant Bhadekar, was mistakenly included. After receiving complaints, the Pune Municipal Corporation recommended his replacement with the present Petitioner.

4. It is further contended that, on 18.07.2023, the Commissioner of the Pune Municipal Corporation issued a letter to the Principal Secretary, Urban Development Department, Mantralaya, and the Commissioner/Director of the Directorate of Municipal Administration, confirming that the Pune Municipal Corporation has officially revised the nomination and replaced Mr. Sunil Vasant Bhadekar with the present Petitioner.

5. It is then contended that the Pune Municipal Corporation invited the Petitioner to attend a meeting of the Committee on 05.09.2023, vide letter dated 25.08.2023. According to him, the Commissioner of the Pune Municipal Corporation issued a letter dated 11.12.2024 to the Commissioner/Director of the Directorate of Municipal Administration, stating that, out of eleven candidates, three candidates had obtained the same marks. By the said letter, the Pune Municipal Corporation recommended the name of Mr. Rakesh Rajendra Gaikwad to be included as a member of the Committee. This has aggrieved the Petitioner.

6. Having considered the submissions of the learned Advocate for the Petitioner and the learned Addl. GP, it is apparent that there is no vested right in the Petitioner to be nominated or to be included in the Committee. A Committee was directed to be constituted by this Court, and various categories of persons were to be included therein. Even as per the pleadings of the Petitioner and the records, three persons scored the same marks, i.e., 8 out of 10. The Petitioner, Respondent No. 3, Rakesh Rajendra Gaikwad, and Ashutosh Suresh Jadhav, have all secured identical marks. The grievance of the Petitioner is that he has not been inducted into the Committee and that Respondent No. 3 has been inducted as a member.

7. We find from the record placed before us, a final list of members included in the Committee (Nagar Path Vikreta Samiti) for the period 2023 to 2027, published on 18.07.2023, that the Petitioner's name appears at running page No. 23 of the Petition. There are objections regarding his eligibility for inclusion on the ground that certain required 2 declaration documents were not tendered in the form of declaration. Two declarations were with regard to, whether the NGO with which the Petitioner is associated, was blacklisted or convicted. No such declaration was given by the Petitioner. He was, therefore, kept in the provisional list.

8. Even otherwise, there are three persons from the said category, and all have scored equal marks. A procedure was followed by the Pune Municipal Corporation for the constitution of the Committee. Three persons were found to be equals. No right is vested in either of these three persons who have scored equal marks, to be inducted in the Committee. It was the prerogative of the Corporation.

9. In view of the above, **this Petition is dismissed.**

(HITEN S.VENEGAVKAR, J.)

(RAVINDRA V. GHUGE, J.)