



S.

IN THE HIGH COURT OF BOMBAY AT GOA

**PUBLIC INTEREST LITIGATION WRIT PETITION NO.1321 OF
2024 (FILING)**

Mukundraj Govind Mudras

...Petitioner

Versus

State of Goa thr. Its Chief Secretary

And 3 Ors.

...Respondents

Mr Pundalik Raikar, Advocate for the Petitioner.

Mr Shividatt P. Munj, Additional Government Advocate for Respondents
No.1 and 3.

Ms A. A. Agni, Senior Advocate with Ms Afrin Harihar Khanm and Mr J.
Shaikh, Advocates for Respondent No.2.

Mr Somnath Karpe, Advocate for Respondent No.4.

**CORAM: M.S. KARNIK &
VALMIKI MENEZES JJ.**

DATE: 13th JUNE, 2024

ORAL ORDER (M. S. KARNIK, J)

1. Heard Mr Raikar, learned Counsel for the Petitioner, Ms Agni,
learned Senior Counsel for the University and Mr Karpe, learned Counsel
for UGC-Respondent No.4

2. The PIL Writ Petitioner seeks the following relief:-

` P1. For a Writ of Mandamus or a Writ in the nature of Mandamus or

any other Writ Order directing the respondents no 2 and 3 to prepare the merit list of candidates after allotting the marks/score in Column (a) of Criteria/wightage for Expert Assessment of the Selection Committee for Direct Recruitment to the post of Assistant Professor as per Table 3A of UGC Regulations.'

3. It is the grievance of the Petitioner that as far as the appointment to the post of Associate Professor and other faculty members of the University is concerned, merit is being compromised. It is submitted that the faculty is being selected in an arbitrary manner. It is the contention of learned Counsel for the Petitioner, and he tried to support his submissions by the materials placed in the body of the petition, that, the selection of candidates is to the detriment of some genuine candidates who are otherwise more meritorious who ought to have been appointed. The entire procedure followed shows some favouritism to in favour of some candidates. It is further urged that the procedure that is adopted by the University is not in consonance with the procedure adopted by UGC Regulations. For all these reasons, learned Counsel for the petitioner was at pains to urge that the PIL Petition be entertained and the same taken to its logical conclusion.

4. Learned Senior Advocate appearing for the Respondent University raised a preliminary objection regarding the maintainability of the PIL Writ Petition on the ground that the Petitioner has no locus standi to maintain the present petition. In support of her submissions, learned Senior Advocate relied upon the decisions in *Dr Duryodhan Sahu and Others*

*v/s. Jitendra Kumar Mishra And Others*¹ and also in *Hari Bansh Lal v/s. Sahodar Prasad Mahto And Others*² to urge that the PIL Petition is not maintainable in service matters. It is then urged by learned Senior Advocate that the Petitioner has directly approached this Court seeking a writ of mandamus without even approaching any authority, viz, the UGC or the University and on this ground also it is submitted that the petition is not maintainable.

5. We are inclined to keep the question of locus of the Petitioner open to be decided at a later stage if necessary. For the present, we are not inclined to entertain the Petition as the Petitioner can always approach the UGC in the first instance or the University for that matter for redressal of the grievances raised in the present Petition. All contentions are kept open. We have not expressed any opinion on merits of any of the contentions.

6. With liberty to file afresh, if necessary, for the aforesaid reasons, the petition is rejected.

7. No costs.

VALMIKI MENEZES, J.

M. S. KARNIK, J.

¹ (1998) 7 SCC 273