

**FARAD CONTINUATION SHEET No.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION No. 482 OF 2014**

Dr. Umesh Kulkarni

vrs.

State of Mah. Through its Secretary, Revenue and Forests Department and another.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Shri N.A. Padhye, counsel for petitioner.  
Ms. Preeti Rane, AGP for respondents.

**CORAM : SMT. VASANTI A. NAIK AND**  
**P.R. BORA, JJ.**

**DATE : 23<sup>rd</sup> SEPTEMBER, 2014.**

By this petition, the petitioner challenges the advertisements dated 21.11.2013 and 4.12.2013, so far as they provide that an applicant desirous of appointment on the post of Environment Consultant should possess the accreditation from NABET. The petitioner also seeks a direction to the respondent no. 2 to consider the application of the petitioner for appointment on the post of Environment Consultant though he does not possess the accreditation certificate from NABET. Certain other reliefs are also sought by the petitioner.

It is stated by the learned Additional Govt. Pleader, on the basis of the reply filed on behalf of the respondent no.2 that the lowest tender of Shri Sai Mana Nature Tech. Pvt. Ltd. Hyderabad was accepted and the work order was also issued to the said company on 27.12.2013. Though this fact is brought to the notice of the petitioner on the basis of the affidavit-in-reply filed in March,

2014, the petitioner has not joined the said party as a respondent to this petition. The petition cannot be effectively decided in the absence of the joinder of the party in favour of which the work order is issued by the respondent no. 2 on 27.12.2013. Time was granted to the petitioner on the last date of hearing for considering whether the party from Hyderabad could be joined as a respondent but it is informed to this court by the learned counsel for the petitioner that the petitioner is not interested in joining the party to which the tender is allotted and the work order is issued on 27.12.2013, as respondent to this petition.

In view of the aforesaid, the petitioner cannot be granted the contract as the contract is already granted to a third party in December, 2013 and that party has not been joined as a respondent in this petition. An adverse order cannot be passed behind the back of the party.

In view of the aforesaid, the writ petition is dismissed with no order as to costs.

**JUDGE**

**JUDGE**

Hirekhan