

[2022 LiveLaw \(SC\) 960](#)

IN THE SUPREME COURT OF INDIA

J.B. PARDIWALA; J.

Petition(s) for Special Leave to Appeal (C) No.13429/2021; 14-11-2022

ANIRUTHAN versus UNION OF INDIA & ORS.

Constitution of India, 1950; Article 226 - Quo Warranto - SLP against Madras HC judgment dismissing petition seeking a writ of quo warranto against Vice Presidents of ITAT appointed in January 2020 alleging that procedure for selection was contrary to the decision in Roger Mathew vs South Indian Bank Limited (2020) 6 SCC 1 - Dismissed - No recourse to the writ jurisdiction of the High Court to seek a writ of quo warranto could have been taken - There is no challenge to the eligibility - We have not entered upon the correctness of the reasoning of the High Court - Petitioner granted liberty to intervene in the pending proceedings in the petition instituted by the Madras Bar Association.

(Arising out of impugned final judgment and order dated 26-07-2021 in WP No.645/2021 passed by the High Court of Judicature at Madras)

For Petitioner(s) Mr. Huzefa Ahmadi, Sr. Adv. Mr. B. Karunakaran, Adv. Mr. K. Balambihai, Adv. Mr. Anoop Prakash Awasthi, AOR

ORDER

1 The petitioner, who is a member of the Bar, had instituted proceedings under Article 226 of the Constitution to challenge the appointment of the fourth and fifth respondents by seeking a writ of quo warranto. The fourth and fifth respondents were appointed as Vice Presidents of the Income Tax Appellate Tribunal.

2 The grievance of the petitioner was that the procedure for selection was contrary to the decision of this Court in **Roger Mathew vs South Indian Bank Limited and Others**¹.

3 The High Court has entered upon the submission which was urged by the petitioner. We are of the considered view that no recourse to the writ jurisdiction of the High Court to seek a writ of quo warranto could have been taken. There is no challenge to the eligibility of the fourth and fifth respondents. If there are other remedies available in respect of the alleged breach of the directions in **Roger Mathew vs South Indian Bank Limited and Others** (supra), it is open to an aggrieved individual to pursue such remedies in accordance with law.

4 There is no dispute about the fact that the fourth and fifth respondents meet the eligibility requirements for holding the office to which they have been appointed. The appointments were made in January 2020.

5 While dismissing the writ petition, we clarify that we have not entered upon the correctness of the reasoning of the High Court in view of our above finding that a petition seeking a writ of quo warranto was misconceived. We accordingly affirm the decision of the High Court to dismiss the writ petition, though for the reasons which are indicated above.

6 The petitioner, if so advised, would be at liberty to intervene in the proceedings which are pending before this Court in the petition instituted by the Madras Bar Association.

7 The Petition is accordingly dismissed.

8 Pending applications, if any, stand disposed of.

¹ (2020) 6 SCC 1