

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6269 OF 2015

SUREKHA SHARAD PATIL

age 38 years, Occ. Service,
R/o 309/3, Hanuman Nagar,
Near Mahadev Temple,
Shirur Naka, Amalner
District Jalgaon.

Petitioner.

VERSUS

1. State of Maharashtra
Through its Secretary,
Department of Surface Transport,
Mantralaya, Mumbai 400 032.

2. Maharashtra State Road Transport Corporation Ltd.,
Through Divisional Controller,'
Divisional Office, Jalgaon Division,
Tq. & Dist. Jalgaon.

Respondents.

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928 WRIT PETITION NO. 6283 OF 2015

Prashant Suresh Lad,
age 35 years, Occ. Service,
R/o Plot No.19, Gat No.52/1,
Shiv Colony, Jalgaon.
Tq. & Dist. Jalgaon.

Petitioner.

Versus

1. State of Maharashtra
Through its Secretary,
Department of Surface Transport,
Mantralaya, Mumbai 400 032.

2. Maharashtra State Road Transport Corporation Ltd.,
Through Divisional Controller,'
Divisional Office, Jalgaon Division,
Tq. & Dist. Jalgaon.

Respondents.

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937 WRIT PETITION NO. 6293 OF 2015

Vaishali w/o Pradeep Tapre (Pingle)
age 35 years, Occ. Service,
R/o satti Bazar, At post Nashirabad,
Taluka and Dist. Jalgaon.

Petitioner.

Versus

1. State of Maharashtra
Through its Secretary,
Department of Surface Transport,
Mantralaya, Mumbai 400 032.

2. Maharashtra State Road Transport Corporation Ltd.,
Through Divisional Controller,
Divisional Office, Jalgaon Division,
Tq. & Dist. Jalgaon.

Respondents.

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Advocate for Petitioner : Mr. S.G. Chapalgaonkar
AGP for Respondents: Mr. K.M.Suryawanshi
Advocate for Respondent No.2 : Mr. M.K.Goyanka

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: June 24, 2015

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ORAL JUDGMENT :-(Per S.V.Gangapurwala, J.)

1. Rule. Rule made returnable forthwith. Learned AGP waives notice of rule for respondent No.1. Mr. Goyanka, learned counsel, waives notice of rule for respondent No.2.

2. Mr. Goyanka, learned counsel for respondent No.2 has filed affidavit in reply, same is taken on record. All these three writ petitions are based on common set of facts, as such are dealt with together.

3. Mr. Chapalgaonkar, learned counsel for the petitioner states that, petitioners were appointed between the year 2010 to 2013 on compassionate ground. At the time of appointing the petitioners, the

petitioners had submitted all relevant documents as asked by the respondents. All these petitioners are appointed as clerk-cum-typist. Even the condition of MS-CIT has been complied. Learned counsel submits that arbitrarily vide order dated 16.6.2015 the petitioners are terminated from services solely on the ground that, the petitioners do not have degree from the recognized University. Learned counsel submits that, at the relevant time, petitioners had submitted their degree certificate of having passed 'Sahitya Sudhakar Examination' from Mumbai Hindi Vidyapith which as per the Government Resolution dated 28.2.2007 is equivalent to B.A. Degree as per Mumbai Hindi University. Learned counsel submits that, the impugned order of termination is passed without notice to the petitioners, without hearing the petitioners and without conducting any Departmental Inquiry. The petitioners are the permanent employees.

4. Mr.Goyanka, learned counsel for respondent No.2 submits that, the petitioners were appointed as Clerk-cum-Typist. Subsequently, it came to the knowledge of the respondent No.2 that 'Mumbai Hindi University' is not Government recognized University and cannot be considered as degree issued by the Government recognized University. In light of that, order of termination dated 16.6.2015 has been rightly issued, no illegality has been committed by the respondent.

5. We have perused the affidavit-in-reply of the respondent to consider the submissions canvassed by the learned counsel for the parties.

6. It is not disputed that at the relevant period, petitioners were appointed on compassionate ground. Petitioners had submitted their certificates and respondent considered the certificates submitted by the petitioner of the 'Mumbai Hindi University' of having passed 'Sahitya Sudhakar Examination'. Considering the same, the petitioners were appointed. Subsequently, the petitioners have also acquired MS-CIT certificate as per requirement of the respondent no.2. Typing speed is also acquired. The petitioners are appointed in between 2010 to 2013. Naturally, the petitioners are not temporary employees. Whenever, order of termination is being issued, the same has to be preceded by adhering to due procedure of law. In the present case, leave aside holding Departmental Inquiry, even no show cause notice is issued to the petitioners and no explanation has been called from the petitioners before taking such a drastic action of terminating the petitioners from service. Such an order cannot sustain. In light of the above, impugned orders terminating the petitioners are quashed and set aside. The Respondent shall re-instate the petitioners on their original post alongwith continuity in service.

6. Present order would not be any impediment for the authorities to take action in accordance with law, if they so desire.

7. Rule is accordingly made absolute in above terms. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-