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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4530 OF 2014

Shri Tukaram Ramchandra Kashid

..Petitioner.

Vs.

The State of Maharashtra & Ors.

..Respondents.

Mr. Prathamesh B. Bhargude for Petitioner.

Mr. P.P. Kakade, AGP for Respondent No.1.

Mr. Rajesh P. Behare for Respondent Nos.2 to 5.

**CORAM: NARESH H. PATIL &
A.S. GADKARI, JJ.**

DATE : 6th January 2015.

P.C.

Heard.

2 The Petitioner was selected for the post of Nursing Orderly. The contention of the Petitioner is that, the Respondent failed to issue an appointment order. The Respondent-State issued a Government Resolution dated 21st September 2007. Through the said Government Resolution, it was informed that before issuing any appointment orders to the persons to be employed in the Municipal Corporation, their antecedents are required to be verified including the fact whether they are involved in the criminal case and about their character.

3 An offence was registered against the Petitioner under Sections 112 and 117 of Mumbai Police Act. There was another offence registered against the Petitioner under Sections 279, 337 and 437 of the Indian Penal Code in the year 2005. However, the Petitioner was acquitted in the said case by the Trial Court on 30th January 2000. In respect of the case registered under Bombay Police Act, the Petitioner was ordered to pay fine of Rs.60/-.

4 It is submitted that the Petitioner was tried for petty offence and was acquitted of the criminal case. The learned Counsel appearing for the Petitioner has placed on record Government Resolution dated 26th August 2014. The Respondent No.1 had appointed a Committee for examining such cases before issuing any appointment orders in favour of the candidates involved in criminal cases.

5 The learned Counsel appearing for the Respondent-Corporation submits that in view of the instructions issued by the State, no further steps were taken consequent to selection of the Petitioner.

6 In the facts of this case, we direct the Respondent to take appropriate decision as to whether the Petitioner can be issued an appointment order considering several aspects of the matter including availability of the post as on today. The Respondents are entitled to consider as to whether cases like Petitioner are required to be placed before the Committee constituted under the Government Resolution dated 26th August 2014. The said decision shall be taken within 8 weeks from today and be communicated to the Petitioner.

7 Writ Petition is disposed of. All issues on merits are kept open.

(A.S. GADKARI, J.)

(NARESH H. PATIL, J.)