

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

WRIT PETITION NO. 4882/2015

(RAMA PAVASU BICHKULE **VERSUS** STATE OF MAHARASHTRA & ANOTHER)

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

Court's or Judge's orders

Shri P.S. Kshirsagar, counsel for the petitioner.
 Ms T. Khan, A.G.P. for the R-State.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : AUGUST 21, 2015.

By this petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur dated 19.03.2015 dismissing the original application filed by the petitioner and upholding the order of the respondent no.2 cancelling the appointment of the petitioner as a Police Patil by the order dated 17.05.2014.

On hearing the learned counsel for the parties and on a perusal of the impugned order, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. The petitioner was appointed as a Police Patil for the first time in November-1996 for a period of five years. The appointment of the petitioner was renewed from time to time after every five years. Admittedly, a third child was born to the petitioner after the coming into force of the Small Family Declaration Rules, 2005. The case of the petitioner that the Small Family Declaration Rules, 2005 do not apply to the petitioner as he was appointed on 16.11.1996, i.e. before the coming into force of the Rules of 2005, was rightly rejected by the Tribunal. The Tribunal held that though the petitioner was appointed for the first time in November-1996, the appointment was to be renewed every five years. The petitioner was reappointed after five years in 2001 and 2006. Since it was noticed by the Sub-Divisional Officer in the

year 2014 that the petitioner was not entitled to seek reappointment in view of the provisions of the Small Family Declaration Rules, 2005, the Sub-Divisional Officer rightly cancelled the appointment of the petitioner as a Police Patil. Since the petitioner has begotten a third child after the coming into force of the Rules of 2005 and since the appointment of Police Patil was liable to be renewed after every five years, the Tribunal rightly found that there was no illegality in the termination of the services of the petitioner by the order dated 17.05.2014. We do not find any illegality in the order of the Tribunal so as to interfere with the same in exercise of the writ jurisdiction.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE

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