

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION No.5463 OF 2013

(Babusingh s/o. Fakira Rathod .vs. The Charity Commissioner, Mah. State, Mumbai)

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

Court's or Judge's orders

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : 16.2.2015.

Heard Mr.A.I.Sheikh, learned Counsel for the petitioner and Mrs.K.S.Joshi, learned A.G.P. for the respondent.

By the impugned order dt.10.4.2013, the petitioner has not been empanelled as an Auditor because of his removal from Government service after disciplinary enquiry. The order notes that the audit of accounts of public trusts is a responsible work and it will not be proper to hand it over to the petitioner.

Learned Counsel for the petitioner submits that the petitioner has challenged his removal under Rule 5(1) (viii) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 in O.A. No.786 of 1995 and as such, the reason given in the impugned order that the petitioner did not assail the same is incorrect. He further submits that, as per the Scheme of the Maharashtra Civil Services Rules (mentioned supra), such removal does not disqualify the petitioner from future employment with the State Government. As such, it cannot be a relevant reason to deny

empanelment.

The learned A.G.P. submits that, after removal from Government service, empanelment not being an employment, is within discretion of competent Authority and that discretion has been properly exercised.

We find that the competent Authority has looked into relevant facts and found it not proper to entrust the work of Audit of accounts of public trust to the petitioner. This application of mind cannot be said to be perverse or arbitrary. There are no allegations of mala fides. The Maharashtra Administrative Tribunal, in its Judgment dt.14.8.1996, has not interfered with the said removal. As such, no case is made out warranting interference. Writ Petition is rejected. No costs.

JUDGE

JUDGE