

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

WRIT PETITION NO. 5019 OF 2016

SACHIN BALVIRSINGH JAISWAL
VERSUS
THE CHIEF ENGINEER THERMAL POWER STATION
AND OTHERS

...

Advocate for Petitioner : Mr S D Munde
AGP for Respondents: Mrs M A Deshpande
Advocate for Respondents 1,2 : Mr S M Godsay

...

CORAM : S.S. SHINDE & V.K. JADHAV, JJ.
Dated: July 13, 2016

...

PER COURT :-

1. Heard learned counsel appearing for the respective parties.

2. This petition takes an exception to the letter/communication dated 15.2.2016 issued by respondent no.1 thereby refusing to select the petitioner for Advance Skill Training. Learned counsel appearing for petitioner submits that, merely because some offence is pending against the petitioner, is not a ground to refuse him to select for Advanced Skill Training. He submits that, in similar facts and situation, the Division Bench of this Court, in the case of Gopal Deshmukh Vs.

Chief Engineer and ors in Writ Petition No.8993/2013 has held that, merely because offence is pending, in absence of any Rules/Regulations, to refuse the candidature of the petitioner for Advanced Skill Training cannot be countenanced and, in the facts of this case, this Court set aside the impugned communication refusing the petitioner therein for Advanced Skill Training. Therefore, he submits that this petition deserves to be allowed. Counsel for the petitioner submits that, though crime was registered against the petitioner, subsequently, case is tried and the petitioner is acquitted.

2. Learned counsel appearing for respondents no.1 and 2 fairly concedes that, in case of Gopal Deshmukh Vs. Chief Engineer and others, similar controversy was raised and this court allowed writ petition thereby setting aside the communication issued by respondent-authority refusing to allow the petitioner therein for Advanced Skill Training.

3. We have considered the submissions of the

counsel appearing for the petitioner and counsel appearing for the respondents. Upon perusal of the documents placed on record and also the order passed by this Court in case of Gopal Deshmukh (supra), we are of the opinion that, in the first place there is no Rules/Regulations which prohibits the respondent from refusing Advanced Skill Training to the petitioner. In the light of above, impugned communication is quashed and set aside. Respondents no.1 and 2 are directed to select the petitioner for Advanced Skill Training, if he otherwise fulfills criteria/eligibility for such training.

4. Writ Petition is allowed and disposed of in above terms. No costs.

(V.K. JADHAV, J.)

(S.S. SHINDE, J.)

...

aaa/-