

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

**Writ Petition No. 7937 of 2012**

\* Navnath s/o Laxman Dhamore,  
Age 23 years,  
Occupation: Service,  
R/o Sade, Taluka Rahuri,  
District Ahmednagar. .. **Petitioner.**

**Versus**

- 1) The State of Maharashtra,  
Through Secretary,  
General Administration  
Department, Mantralaya,  
Mumbai.
- 2) Registrar,  
Mahatma Phule Krishi Vidyapeeth,  
Rahuri,  
District Ahmednagar. .. **Respondents.**

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Shri. Prakashsing B. Patil, Advocate, for  
petitioner.

Smt. R.P. Gour, Assistant Government Pleader, for  
respondent No.1.

Shri. K.D. Bade-Patil, Advocate, for respondent  
No.2.

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**With**

**Writ Petition No.6496 of 2012**

\* Gorakshnath s/o Raghunath Shete,  
Age 42 years,  
Occupation: Service,  
R/o. C/o. Mula Pravara Electric  
Cooperative Society Limited,  
Sub Division, Wambori,  
Taluka Rahuri,  
District Ahmednagar. .. **Petitioner.**

**Versus**

- 1) State of Maharashtra,  
Through Secretary,  
General Administration  
Department, Mantralaya,  
Mumbai.
- 2) Registrar,  
Mahatma Phule Krishi Vidyapeeth,  
Rahuri,  
District Ahmednagar. .. **Respondents.**

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Shri. Santosh G. Chapalgaonkar, Advocate, for  
petitioner.

Smt. R.P. Gour, Assistant Government Pleader, for  
respondent No.1.

Shri. K.D. Bade-Patil, Advocate, for respondent  
No.2.

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**With**

**Writ Petition No.6670 of 2012**

\* Prakash S/o. Babasaheb Lambe,  
Age 27 years,  
Occupation: Service,  
R/o. Harsul, Taluka Digra, S,  
District Yavatmal. .. **Petitioner.**

**Versus**

- 1) State of Maharashtra,  
Through Secretary,  
General Administration  
Department, Mantralaya,  
Mumbai.
- 2) Registrar,  
Mahatma Phule Krishi Vidyapeeth,  
Rahuri,  
District Ahmednagar.                      ..      **Respondents.**

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Shri. Santosh G. Chapalgaonkar, Advocate, for  
petitioner.

Smt. R.P. Gour, Assistant Government Pleader, for  
respondent No.1.

Shri. K.D. Bade-Patil, Advocate, for respondent  
No.2.

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**Coram: T.V. NALAWADE &  
SANGITRAO S. PATIL, JJ.**

**Date: 15 February 2017**

**ORAL JUDGMENT:**

1) Rule, rule made returnable forthwith.

Heard both sides by consent for final disposal.

2) All the three proceedings are filed to  
challenge the notices of termination issued by

respondent No.2-University thereby terminating their services by giving one month's notice. Those notices were issued on the basis of police reports given against the petitioners. There was a report against all the three petitioners that crime was registered at CR No.386/2008 for offences punishable under sections 143, 147, 353, 332, 337 of the Indian Penal Code and under section 37(1)(3)/135 of the Bombay Police Act (Regular Criminal Case No.233 of 2009). Another crime was registered at CR No.52/2008 against petitioners from Writ Petition Nos.6496/2012 and 6670/2012 for offence punishable under section 37(1)(3)/135 of the Bombay Police Act (S.T.C. No.567/2009). These notices of termination are directly challenged in the present proceedings.

3) The learned counsels for the petitioners submitted that the petitioners were selected from the category of project affected persons on the posts of Agriculture Assistants and Assistant Security Officer.

4) The learned counsels submitted that due to nature of allegations the State Government decided to withdraw the prosecution and accordingly the application was filed in Criminal Court and on that basis the order was made in CR No.52/2008 (SCC No.567/2009). Those cases were disposed of and the disposal was to be treated as discharge. This order came to be made on 24-12-2012. Copy of the judgment delivered by the Court of Judicial Magistrate, First Class Rahuri is produced on the record and it shows that in other case in which all the three petitioners were involved as accused, they came to be acquitted by decision dated 15-10-2016. The copy of the judgment shows that this matter was also due to involvement of the petitioners in the agitation which was going on for giving reservation to the project affected persons. Though the prosecution was to be withdrawn, ultimate order came to be made under section 248(1) of the Code of Criminal Procedure.

5) This Court has gone through the Statutes framed by the University for laying down the eligibility conditions for appointment and also for mentioning disqualifications for appointment. Statute 133 and Statute 134 are relevant in this regard. Statute 133 shows that if a person is convicted for an offence which involves moral turpitude he cannot get appointment on the establishment of the University. Statute 134 shows that it is necessary for the candidate to produce evidence of good character. In the past, the concerned police stations had given report that crimes were registered but now due to changed circumstances there is no such report.

6) In view of the aforesaid Statutes of the University and the circumstances this Court holds that the petitioners cannot be terminated on the ground that crimes of aforesaid nature were registered against them. All the three petitions need to be allowed.

7) In the result, the writ petitions are allowed. The termination notices issued against the petitioners are hereby quashed and set aside. Rule is made absolute in those terms.

Sd/-  
(SANGITRAO S. PATIL, J.)

Sd/-  
(T.V. NALAWADE, J.)

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