

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8943 OF 2016

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION, DHULE
VERSUS
SUNIL KHANDU GAVALI

...
Advocate for Petitioner : Shri Bagul D.S. a/w Shri Shriram U.B.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 30, 2016
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PER COURT :-

1. The petitioner is aggrieved by the judgment dated 25.1.2016 delivered by the Industrial Court, Dhule by which Complaint (ULP) No.59 of 2013, filed by the respondent, has been allowed.
2. I have considered the strenuous submissions of the learned Advocate for the petitioner.
3. There is no dispute that the respondent had acquired the degree of 'Sahitya Sudhakar', conducted by the Mumbai Hindi Vidyapeeth. Based on the same, the respondent has applied for appointment as a Clerk on compassionate ground. By order dated 8.2.2002, he was initially appointed as a Conductor as the post of Clerk was not available. By order dated 29.6.2011, he was appointed as a Clerk-cum-Typist. He was reverted by order dated 2.5.2013 to the post of Traffic Controller, merely because he was not a graduate.

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4. By the Complaint (ULP), the respondent sought setting aside of the order of reversion on the basis of the Government Resolution dated 28.2.2007, which was placed at Exhibit U/19. Learned Advocate for the petitioner has strenuously contended that Sahitya Sudhakar cannot be granted equivalence with the degree of Bachelor of Arts.

5. There is no dispute that the respondent had disclosed his degree of Sahitya Sudhakar when he acquired employment. After eleven years of joining duties, he is sought to be reverted on the ground that the said degree cannot be equated with Bachelor of Arts. The Industrial Court has considered the Government Resolution dated 28.2.2007, by which, the Government of Maharashtra has specifically granted equivalence to the degree of Sahitya Sudhakar with the degree of Bachelor of Arts.

6. Besides the said Government Resolution dated 28.2.2007, the petitioner has not cited any other Government Resolution, by which, it could be said that Sahitya Sudhakar cannot be granted equivalence with Bachelor of Arts degree. Nor has any judicial pronouncement been cited on this issue.

7. Considering the above, I do not find that the impugned judgment could be termed as being perverse. This petition being devoid of merits

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is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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