

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

WRIT PETITION NO. 280 OF 2015

Kaldar Wasanta Humane

-vs-

State of Maharashtra, Department of Tribal Development and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Sumit Joshi, counsel for the petitioner.
Mr. N.S.Rao, AGP for the respondent Nos.1 to 4.
Mr.U.J.Deshpande, counsel for the respondent Nos.5 and 6.

CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.

DATE : 22.02.2016.

Leave granted to the learned counsel for the petitioner to amend the prayer clause in the writ petition. Amendment be carried out forthwith.

The petitioner seeks a direction in the matter of absorption of his services as per the order dated 23/12/2014 passed in Writ Petition No.7225 of 2014 and connected matters. The petitioner is also aggrieved by the order dated 30/04/2013 terminating his services on the post of Shikshan Sevak. A preliminary objection is raised on behalf of the respondent Nos.5 and 6 to the maintainability of the writ petition on the ground that an alternate statutory remedy is available to the petitioner for challenging the order of termination. It is also submitted that the order dated 23/12/2014 was a consent order.

Considering the nature of relief sought in the writ petition, we uphold the the preliminary objection raised to the maintainability of the writ petition. A statutory remedy is available to the petitioner for challenging the order of termination. Insofar as the first prayer made in the petition is concerned, the same cannot be

granted, as the order dated 23/12/2014 was passed by consent of parties therein. The respondents herein are not desirous of giving consent for passing any such order.

In view of aforesaid, the writ petition stands disposed of with no order as to costs.

It is open for the petitioner to avail the remedy for challenging the order of termination dated 30/04/2013. The points in that regard are kept open.

JUDGE

JUDGE

KHUNTE