

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

WRIT PETITION NO. 1193/2015.

Lemchand Sambhaji Durge

-VERSUS-

State of Maharashtra and 3 others.

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

Court's or Judge's Orders

**CORAM : B.P. DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : APRIL 16, 2016.

Heard Shri P.S. Wathore, learned Counsel
for the petitioner, Shri Fulzele, learned Addl. G.P. for
respondent nos. 1 and 2 and Shri S.P. Bhandarkar,
learned Counsel for respondent no.4.

2. Shri Wathore, learned Counsel by placing
reliance upon order dated 05.03.2014 in Writ Petition
No.6309/2013, submits that name of petitioner has
not been forwarded before the Placement Committee
by the Management only because he approached this
Court and took a lead in redressal of grievance. He
submits that all others have been found entitled to
benefits of Carrier Advancement Scheme.

3. Shri Bhandarkar, learned Counsel

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appearing for respondent no.4 is relying upon reply-affidavit. He submits that the parent body of respondent no.4 has looked into the service record of the petitioner and found that he has indulged in some misconduct. Because of that misconduct, the body resolved not to forward his name, and as such, his name could not be forwarded. He further adds that subsequently the Management has on account of passage of time decided to forward his name to the Placement Committee, however, the College (respondent no.4) is now shifted to respondent no.3 University at Gadchiroli, and hence, name is to be forwarded to that University. He states that the Placement Committee can thereafter appropriately evaluate the entitlement of petitioner.

4. Shri Fulzele, learned Addl. G.P. appearing for respondent nos. 1 and 2, submits that respondent no.2 has not received any communication either from the petitioner or from respondent no.4, and hence, has no role to play at this stage.

5. The norms on which entitlement of petitioner is to be examined are not produced before this Court either by the petitioner or respondent no.4.

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Hence, question whether alleged misconduct is sufficient to deny consideration by Management, cannot be gone into by this Court. In that view of the matter, we therefore, leave said question open. As the Management has fairly stated that due to passage of time it is forwarding name of petitioner to respondent no.3, we direct the respondent no.4 to forward name of petitioner to respondent no.3 within a period of three weeks. Accordingly, respondent no.3 shall after receipt of such proposal, consider it in accordance with law. It shall also consider the date from which the benefits can be conferred upon the petitioner, if petitioner is found entitled to such benefits.

6. The consideration on these lines shall be completed within a period of next three months.

7. With these directions and keeping all rival contentions open, we dispose of the present Writ Petition. No costs.

JUDGE

JUDGE

Rgd.