

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2367 OF 2015

(Vinod s/o Madhavrao Choudhari vs. Upekshit Samaj Kalyan Samiti, Ballarpur and others)

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

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Smt. N. Jog, Advocate for petitioner.  
Shri G.N. Khanzode, Advocate for respondent nos.1 to 5.  
Shri H. Chutake, Assistant Government Pleader for  
respondent no.6.

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CORAM : SMT. VASANTI A NAIK AND  
KUM. INDIRA JAIN, JJ.

DATED : AUGUST 24, 2016

By this writ petition, the petitioner challenges the order of the respondent Management, dated 10/4/2015 terminating his services after completion of notice period of one month.

Smt. Jog, learned Counsel for the petitioner, states that the impugned order is bad in law as the services of a permanent employee like the petitioner cannot be terminated without conducting a fullfledged departmental enquiry as provided by the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. It is submitted that no departmental enquiry is conducted against the petitioner before the impugned order is passed.

Shri Khanzode, learned Counsel for the respondent Management, fairly admits that no departmental enquiry was conducted against the

petitioner before the impugned order is passed. It is stated that the respondent Management is, however, contemplating conducting of departmental enquiry against the petitioner and the same would be concluded shortly.

From the statements made on behalf of the parties, it is clear that the impugned order is passed without conducting a departmental enquiry against the petitioner. The services of a permanent employee like the petitioner could not have been terminated without conducting a departmental enquiry. Hence, we quash and set aside the impugned order. The respondent Management is, however, free to take up appropriate proceedings against the petitioner, if so desired.

The petition is disposed of with no order as to costs.

JUDGE

JUDGE

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