

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

WRIT PETITION NO.4127 OF 2016

[Mohan s/o Bhagwatrao Neware .vs. Joint Commissioner & Vice-Chairman and others]

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

Court's or Judge's orders

Shri S.R. Narnaware, counsel for the petitioner,
Shri A.M. Balpande, AGP for respondent no.1.

.....

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JULY 19, 2016.

Shri Narnaware, the learned counsel for the petitioner, seeks leave to delete prayer clause (ii), as the petitioner is desirous of giving up the caste claim and is only seeking the protection of his services, in view of the judgment of the full bench, reported in 2015 (1) Mh.L.J. 457 (Arun s/o Vishwanath Sonone .vs. State of Maharashtra and others).

Leave is granted.

The necessary amendment should be carried out forthwith.

Shri Balpande, the learned Assistant Government Pleader appearing on behalf of the respondent no.1, states that if prayer clause (ii) in the writ petition is given up, the matter would not lie before the Nagpur Bench, as the only prayer for protection of services of the petitioner would remain alive. It is stated that the petitioner has sought a direction against the Chief Executive Officer, Zilla Parishad, Solapur to protect the services of the petitioner. It is stated that for seeking the protection of services from the Zilla Parishad, Solapur, the petitioner would be required to file the writ petition at the principal seat.

We find much force in the submission made on behalf of the respondent no.1. Since the only prayer made by the petitioner is in regard to the protection of services and the respondent is Zilla Parishad, Solapur, the petitioner would be required to file appropriate proceedings at the principal seat.

At this stage, Shri Narnaware, the learned counsel for the petitioner, states that the services of the petitioner are liable to be protected as he is entitled to protection, in view of the judgment of the full bench, reported in 2015 (1) Mh.L.J. 457. It is stated that, in this background, the services of the petitioner may be protected for a few days, so that the petitioner can file the proceedings before the appropriate forum.

The request made on behalf of the petitioner is just and reasonable. Hence, we dispose of the writ petition, with liberty to the petitioner to file appropriate proceedings at the principal seat. We also protect the services of the petitioner, for a period of three weeks. Order accordingly. No costs.

JUDGE

JUDGE

C E R T I F I C A T E

“I certify that this order uploaded is a true and correct copy of original signed order.”

Uploaded by : A.S. Gulande, P.A.

Uploaded on : 21.7.2016