

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,NAGPUR BENCH : NAGPUR**WRIT PETITION NO. 5461 OF 2016.****(Shri Pratik Ghode s/o Vithal Ghode .vs. The State of Maharashtra & others)**

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

Court's or Judge's orders

Mr. G.L. Bajaj, Advocate for petitioner,

**CORAM : DR. MANJULA CHELLUR, C.J. &
SMT. VASANTI A. NAIK, J.**

DATED : OCTOBER 19, 2016.

P.C.

By this Writ Petition, the petitioner seeks a direction against the respondents to implement the order of Deputy Director of Education dated 11.12.2015 so that the petitioner could be reinstated in service.

According to the petitioner, in pursuance of an advertisement issued by the respondent no. 5 school in the year 2014, the petitioner applied for the post of Shikshan Sevak. It is the case of the petitioner that the management demanded an amount of Rupees Ten Lakhs from the petitioner for appointing him on the said post. It is stated that the petitioner paid a sum of Rupees Three Lakhs and the remaining amount was to be paid later. The petitioner was appointed on the post of Shikshan Sevak. However, the respondent no.5 did not permit the petitioner to work on the post of Shikshan Sevak after one year of his service. It is stated on behalf of the petitioner that since

the action on the part of the respondent management in terminating the services was bad in law, the Deputy Director of Education had asked the Education Officer to take appropriate action in the matter of termination of services of the petitioner. It is stated that despite the order dated 11.12.2015, the respondent management has not reinstated the petitioner on the post of Shikshan Sevak. The petitioner has, therefore, sought a direction against the respondents to reinstate the petitioner in service.

We are afraid, the relief sought by the petitioner cannot be granted in exercise of the writ jurisdiction. The petitioner has an alternate remedy of challenging the order of termination in an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. Instead of availing the remedy, the petitioner has rushed to this Court. Even otherwise, the petitioner has averred in the Writ Petition that he had paid a sum of Rupees Three Lakhs to the management for securing the job. In the circumstances of the case, we are not inclined to exercise jurisdiction under Article 226 of the Constitution of India since the petitioner is expected to come to Court not only with clean hands but with a clean heart.

The judgment relied on by the Counsel for the petitioner in the case of **Krishnadevi Malchand Kamathia and others .vs. Bombay Environmental Action Group and others** reported in **(2011) 3 SCC 363** cannot be made applicable to the case in hand.

In the circumstances of the case, we dismiss the Writ Petition with no order as to costs.

CHIEF JUSTICE

(SMT. VASANTI A. NAIK, J.)

J.