

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2715 OF 2017

Sadanand Prabhakar Sapkale,
Age : 31 years, Occ. Nil,
R/o Sahyog Nagar, Nanded
Tq. Dist. Nanded. .. Petitioner

VS.

1. The State of Maharashtra.
2. The Superintendent of Police, Nanded
Dist. Nanded.
3. The Special Inspector General of Police,
Nanded, Range- Nanded Dist.Nanded.
4. The Director General of Police
Maharashtra State, Mumbai. .. Respondents

Mr. P. B. Rakhunde, Advocate for the petitioner
Mr. S. P. Sonpawale, A.G.P. for the respondents/State

**CORAM : R. M. BORDE &
SMT. VIBHA KANKANWADI. JJ.**
DATE : 26-09-2017

PER COURT :

1. The learned counsel for the petitioner places reliance on the order of the Hon'ble Supreme Court in the matter of *Kamal Nayan Mishra Vs. State of M.P. & Ors*, reported in (2009) 16 (Addl.), S.C.R.

238. The appellant before the Hon'ble Supreme Court was a confirmed Government servant and as such the Supreme Court held him entitled to get benefits and safeguards under Article 311 of Constitution of India.

2. In the instant matter as has been recorded above, the petitioner was not Government employee but his first appointment was purely on temporary basis. As such the order cited above has no relevance to the instant matter.

3. In the matter of *Commissioner, Food and Civil Supplies Vs. Prakash C. Saxena*, reported in *1994 Supreme Court cases, Vol.(5), page 177*, the Hon'ble Supreme Court has observed that,

“It would be permissible in appropriate cases to lift the veil and find whether the ground of termination was the foundation or the motive and if it was found to be the foundation, the termination simpliciter would be illegal.”

4. In the instant matter, there arises no question of lifting of the veil since there does not appear any other intention different than discharging the employee in a simpliciter manner. The Judgment cited at bar has also no relevance to the facts and circumstances of the case.

5. The facts giving rise to the instant petition are identical in

all respects to the facts giving rise to Writ Petition No. 2743 of 2017. For the reasons recorded while disposing of the Writ Petition No. 2743 of 2017, the instant writ petition also does not deserves to be considered. The writ petition accordingly disposed of.

[SMT. VIBHA KANKANWADI]
JUDGE

[R. M. BORDE]
JUDGE

vjg/-.