

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 16583 OF 2016
IN
WRIT PETITION NO. 7182 OF 2015**

Bhagwan Jamla Jadhav

.. Applicant

Versus

The State of Maharashtra and others

.. Respondents

Shri Shirsat, Advocate h/f Shri S. S. Jadhavar, Advocate for the Applicant.

Shri M. B. Bharaswadkar, A.G.P. for Respondent Nos. 1 and 2.

Shri S. D. Tawshikar, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 09TH MARCH, 2017.

PER COURT :

. The applicant/petitioner seeks leave to amend the writ petition and thereby challenge the order of termination dated 15.01.2016 and the enquiry report dated 19.11.2015. According to the applicant, the applicant stood retired on 31.07.2011 and the order of termination is issued on 15.01.2016. The same could not have been issued after retirement.

2. The learned counsel for the non applicant Nos. 3 and 4 submits that, even after retirement departmental enquiry can be

proceeded with and the applicant has remedy before the School Tribunal U/Sec. 9 of the M. E. P. S. Act.

3. The writ petition is not yet admitted. Even otherwise non applicants can raise all these points while assailing the writ petition. Keeping the rights of non applicants open to challenge the averments sought to be introduced by way of amendment and its maintainability, the present civil application is allowed in terms of prayer clause “B”. The civil application is disposed of.

4. Necessary amendment be carried out within fourteen days from today.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 17