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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2120 OF 2017

Ghanshyam Subhash Jadhav

.. Petitioner

Versus

1. Commissioner, Municipal Corporation of
Greater Mumbai and ors.

.. Respondents

Mr. Vaibhav Sugdare i/by Mr. Ravi Kadam for petitioner.
Mr. H. C. Pimple for respondents-MCGM.

CORAM: NARESH H. PATIL &
Z. A. HAQ, JJ.

SEPTEMBER 11, 2017.

P.C.

1. The learned counsel appearing for the petitioner submitted that the respondents-Corporation appointed the petitioner as Junior Engineer with effect from 7/3/2009. A communication in respect of selection of the petitioner as Junior Engineer is annexed at Exhibit "A" to the petition, which is dated 28/1/2009. One of the requirements for employment prescribed by the Corporation is that the petitioner ought to have passed MSCIT examination conducted by the State of Maharashtra. The petitioner, admittedly passed this examination in the year 2015.

2. Learned counsel for the petitioner submitted that the petitioner was charge-sheeted for offence punishable under Section 498-A of the Indian Penal Code. The petitioner remained absent from duty. The petitioner underwent trial and was acquitted by the learned Chief Judicial Magistrate, Dhule. The petitioner thereafter made representation for resuming duties by pointing out reasons for his absence from duty.

3. The learned counsel appearing for the Corporation submits that the petitioner ought to have passed MSCIT examination within two years of his resuming duties. The petitioner did not resume duties after 2012. Petitioner made certain correspondence to the Corporation. The counsel for the Corporation submits that taking into consideration all these facts and circumstances, Corporation would take appropriate decision in respect of the services of the petitioner within three months.

4. In view of the statement made as above, we direct the Corporation to take appropriate decision in accordance with law within three months.

5. Petition is disposed of accordingly.

6. It is clarified that we have not expressed any opinion on the merits of the matter.

(Z. A. HAQ,J.)

(NARESH H. PATIL,J.)