

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
211 WRIT PETITION NO. 3236 OF 2008**

THE STATE OF MAHARASHTRA AND ORS ..PETITIONERS

VERSUS

VIJAY THANSING CHAVAN ..RESPONDENT

...
Mr. S. K. Tambe, A.G.P for the Petitioners-State.

...
**CORAM : S. V. GANGAPURWALA &
S. M. GAVHANE, JJ.**

DATED : 29th AUGUST, 2018.

PER COURT:-

1. Mr. Tambe, learned A.G.P for the petitioners submits that the respondent herein was appointed as a clerk on compassionate ground under the appointment order dated 31.12.2003 as per the Government Resolution dated 23.08.1996. The respondent was required to pass requisite English and Marathi Typing Examination within two years from the date of his appointment. As he did not pass the said examination within stipulated period as per the Government Resolution dated 23.08.1996 and the condition in the appointment order dated 31.12.2003, the petitioner was rightly terminated. The Tribunal has erroneously relied on the Government Resolution dated 08.09.1997. The same would not have applicability to the present case, the same is applicable to the post of peon.

2. We have considered the submissions and we have also gone through the judgment of the

Tribunal.

3. It is matter of record that respondent was appointed as clerk on compassionate ground under the appointment order dated 31.12.2003. It is also not disputed that the respondent has passed the said typing examination in May 2006 and he has produced the certificate to that effect. The Tribunal has considered the Government Resolution dated 08.09.1997. The Tribunal has also considered the Rules that is Maharashtra Civil Services (Compulsory) Marathi Shorthand and Marathi Typing Examination for English Stenographer and English Typist Rules 1991. The said rules prescribe passing the typing examination within four years from the date of joining the service. In the present case the petitioner has passed the said examination within two and half years of joining the service. The respondent was directed to be reinstated. This Court had not stayed the order.

4. Considering all the aforesaid aspects of the matter, no error has been committed by the Tribunal in passing the impugned order.

5. Writ Petition is disposed of. Rule discharged. No costs.

(S. M. GAVHANE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/August-18

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Nandkumar
Kale

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