

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

981 WRIT PETITION NO. 4344 OF 2018

ANAND SHESHRAO GAVALI
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
AURANGABAD AND OTHERS

...

Advocate for Petitioner : Mr.S.D.Joshi
AGP for Respondents : Mrs.P.V.Diggikar

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**CORAM : R.M.BORDE AND
K.K.SONAWANE, JJ.**

DATE: 27th April, 2018

PER COURT:-

1. We have perused the order dated 18.04.2018, passed by the Member, Maharashtra Administrative Tribunal, Aurangabad.

2. The petitioner was initially appointed as Police Patil and a Notification in that regard was issued in 2016. The petitioner was directed to submit Character Certificate. The Character Certificate initially submitted by the petitioner has been subsequently cancelled by the concerned authority on receiving a report from the Police Department. It does appear that a criminal case under Sections 294, 504, 427, 120(B), 447 and 424 of the Indian Penal Code was pending against the petitioner on the basis of complaint filed by one Mr.Santosh Jadhav. The Police of Gangapur Police

Station made investigation in the crime and submitted 'B' Summary report to the Court of Judicial Magistrate First Class, Gangapur. The Judicial Magistrate First Class, Gangapur has not accepted the report. Thus, the criminal proceedings against the petitioner have not been concluded.

3. In this view of matter, the petitioner cannot be permitted to canvass that since he was not aware of progress of 'B' Summary Report, there shall not be an impediment against the petitioner in continuing as Police Patil. The fact, however, remains that the Character Certificate issued to the petitioner has been withdrawn and he was directed to file a fresh Character Certificate. Since the petitioner could not get the Character Certificate, his appointment stood cancelled.

4. We do not find any irregularities in the decision taken by the Member, Maharashtra Administrative Tribunal, Aurangabad. No interference is called for in exercise of jurisdiction conferred under Article 226 of the Constitution of India. Petition is devoid of merits, hence stands rejected.

(K.K.SONAWANE)
JUDGE

(R.M.BORDE)
JUDGE