

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 27 OF 2014

Laxman S/o. Raghunath Zine,
Age-35 years, Occu-Service as a Labour,
R/o.At Digras, Post Krushi Vidhyapeet,
Tal.Rahuri, Dist. Ahmednagar **...PETITIONER**

VERSUS

1. State of Maharashtra
Through Secretary,
General Administration Department,
Mantralaya, Mumbai **...RESPONDENTS**
2. Registrar,
Mahatma Phule Krishi Vidyapeeth,
Rahuri, Dist. Ahmednagar

Mr.Arun G. Kanade, Advocate for the petitioner
Mr.A.S.Shelke, Advocate for respondent sole
Mr.P.N.Kutti, AGP for the respondent/State

CORAM : SUNIL P. DESHMUKH &
S.M.GAVHANE, JJ.

DATED : 26.11.2018

ORAL JUDGMENT [SUNIL P. DESHMUKH, J.]

. Heard learned counsel for the parties.

2. By consent of the parties, the matter is taken up for final disposal.

3. The writ petition is preferred for writ of certiorari to quash impugned termination notice/order dated 14.11.2013.

4. There is no dispute on that the petitioner had been selected and appointed from the category of Project Affected Persons on the post of Agricultural Assistant and Assistant Security Officer.

5. Notice of termination dated 14.11.2013 was issued by respondent No.2-University since there was report by police against petitioner that Crime bearing No.386/2008 had been registered against him for the offences punishable under Sections 143, 147, 353, 332 and 337 of the Indian Penal Code and under Section 37(1) (3)/135 of the Bombay Police Act. Under decision of the Judicial Magistrate First Class dated 15.10.2016 the petitioner has been acquitted in the proceedings bearing Regular Criminal Case No.261/2009 arising from Crime No.386/2008.

6. Counsel for petitioner states that there is interim relief granted by this court in present writ petition.

7. Copy of the judgment delivered by the Judicial Magistrate First Class acquitting the petitioner as referred above has been placed on record which is marked Exh."X" for identification. Learned counsel for the petitioner points out that three accused in the said proceedings bearing No.261 of 2009 had filed writ petitions No.7937/2012, 6496/2012 & 6670/2012.

8. Learned counsel for the petitioner states that the three writ petitions have been disposed of by a division bench of this court under its order dated 15.02.2017. The learned counsel tenders across a copy of the said decision which is taken on record and marked "Y" for identification. He submits the relevant factual situation is similar in the present matter.

9. Learned counsel for the petitioner referring to paragraphs No. 5 & 6 of the judgment and order of this Court submits that applying the same reasons present petition can be disposed of and be meted with same treatment.

10. Learned counsel for the respondents fairly concedes to that there is such order allowing the writ petitions and quashing the termination orders.

11. In the given facts and circumstances, the request on behalf of the petitioner appears to be legitimate. Having regard to the observations in aforesaid order of this Court, it appears that in the then prevailing circumstances there had been report of the crime having been registered against petitioner however, subsequently there is change in the circumstances. As such for the reasons as appearing in paragraph Nos.5 and 6 of the decision of the said writ petitions, this petition as well is allowed. The impugned termination notice dated 14.11.2013 is quashed and set aside and rule is made absolute accordingly.

[S.M.GAVHANE, J.]

[SUNIL P. DESHMUKH, J.]