

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11158 OF 2017
WITH
WRIT PETITION NO.4622 OF 2017
WITH
WRIT PETITION NO.4623 OF 2017
WITH
WRIT PETITION NO.4624 OF 2017

Mrinal Jangley and Others ...Petitioners
vs.
The General Manager,
India Security Press, Nashik Road and Others ...Respondents

Mr. Anil Anturkar, Senior Advocate a/w. Mr. K.S. Thorat, for the
Petitioners in W.P.No.11158 of 2017.

Mr. S.B. Joshi i/b. Mr. A.B. Raikar, for the Petitioners in W.P. Nos.
4622 to 4624 of 2017.

Mr. Y.S. Bhate a/w.Mr. Upendra Lokegaonkar, for the Respondents.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.**

DATE : APRIL 11, 2018

P.C.:

- . Parties through their counsel.
2. Challenging the order dated 1st March, 2017 passed by the Respondents, by which the Petitioners' services have been terminated in terms of Clause No. 6 of the terms and conditions offered for appointment, the Petitioners have filed these Petitions. According to the Petitioners, before passing the said order, no show cause notice or opportunity of hearing was given to them.

3. Learned counsel for the Respondents has pointed out that in terms of the said Clause No. 6, no question of any opportunity of hearing or show cause notice was necessary.

4. We have considered the submissions made by the learned counsel for the parties and have gone through the pleadings. In reply to the Petitions, the Respondents have assigned following reasons for the termination of Petitioners' services.

“With reference to Para Nos. 5(m) of the Petition, I say and submit that the contents of the said para are matter of record and thus, do not require any comments. However, I deny the contents of the said paras which are contrary to the facts and records. I say and submit that the Public Information Officer vide his letter No. CHO(HR)/RTI/10-9/2017/Vol.IV/2729 dated 11th August, 2017 and the Manager (H.R.) vide his letter No. 4059/HR/Griev/2017-18 dated 29th August, 2017 respectively of the Respondents had informed to one Shri Ashish Suresh Shende that “As per Advertisement No. 1/2015 the essential qualification for the post of Supervisor Technical Operation-Printing (S1 Level) was 1st Class Diploma in Printing Technology from AICTE approved Institute. In view of the facts stated in the CTE type intensive examination report on the same subject and as per SPMCIL Recruitment policy, SPMCIL Management took the decision to terminate six (6) candidates who never possess the above essential qualification”.

5. Having gone through the said reasons, it is clear that the termination is on the ground that the Petitioners are not fulfilling the essential qualification. However, learned counsel for the Petitioners has disputed the aforesaid fact and according to the Petitioners, the Petitioners are not only fulfilling the requisite

qualification but hold better qualification.

6. Be that as it may, the said reason is not mentioned in impugned order of termination and the impugned order is passed without giving any reasons showing the Petitioners not having requisite qualification for the post which they were appointed. In the circumstances, we are of the view that the impugned order is passed in contravention of the principles of natural justice and the same is liable to be quashed and set aside. We, accordingly set aside the impugned order. However, with liberty to the Respondents to pass a fresh reasoned order.

7. The Petitioners are permitted to file their representations against the reasons which are disclosed by the Respondents in their reply, within three weeks from today.

8. On receipt of the said representations from the Petitioners, the Competent Authority of the Respondents shall pass a fresh reasoned order after giving due opportunity of hearing to the Petitioners, within eight weeks from today.

9. The Petitions are disposed of as such.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)