

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1365 OF 2014

Ashok Krishnath Gotane.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Ajinkya Udane i/b Mr. A. M. Joshi for the Petitioner.

Mrs. R. M. Shinde, AGP for the Respondent-State.

Coram : Ranjit More &
Smt. S. S. Jadhav, JJ.

Date : **March 22, 2018.**

P. C. :

1. Heard learned Counsel appearing for the respective parties. The Petitioner is challenging the order dated 19th September 2013 made by the Management (Respondent No.3 herein) under sub-rule (5) of rule 33 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, whereunder he is suspended from services since he had been detained in custody for a period exceeding 48 hours in a criminal offence.

2. Learned Counsel for the Petitioner does not dispute that earlier in the year 2004, the FIR was filed against the Petitioner for the offence punishable under sections 143, 147, 148, 323 and 326 read with 149 of the Indian Penal Code, 1860. He further does not dispute that he was again arrested in a crime registered for the offence punishable under section 302 of IPC. He also does not dispute that

the Petitioner was convicted by the Sessions Court and his appeal is pending in the High Court. In these circumstances, the Petitioner is not entitled to re-instatement merely because during the pendency of trial, he was on bail and/or during the pendency of appeal he is on bail. The petition is devoid of any merit. The same is, therefore, dismissed.

[Smt. S. S. JADHAV, J.]

[RANJIT MORE, J.]