

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4845/2015

Manoj Tukaram Jadhao

..Vs..

Additional Commissioner Tribal Development Amravati Division, Camp,
Amravati and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Patil, Advocate for the petitioner.
Ms. Murali Naik, A.G.P. for respondent No.1.

CORAM : Z.A. HAQ, J.

DATE : 8.1.2018.

Heard.

The petitioner / employee has challenged the order passed by the Additional Commissioner, Tribal Development by which the appeal filed by the petitioner is dismissed and the order passed by the respondent / Management removing him from service is upheld. Though the memorandum of appeal which was filed by the petitioner before the Additional Commissioner does not refer to any provision under which it was filed, the learned Advocate for the petitioner has submitted that it was filed under the provisions of Ashram School Code.

Relying on the judgment given in the case of *Secretary, A.P.D. Jain Pathshala and others V/s. Shivaji Bhagwat More and others* reported in (2011) 13 SCC at

page 99, this Court has held in the case of *Balkrishna S/o Raghunath Jadhav V/s State of Maharashtra and others* in Writ Petition No.3044/2011 that the State Government cannot confer power or authority to adjudicate dispute / *lis* between the parties, by issuing orders or resolutions. Considering the ratio of the judgment given in the case of *Shri Janjagruti Shikshan Prasarak Mandal, Shekapur and another V/s. State of Maharashtra and others* reported in **2015 (4) Mh.L.J.** at page 756, it has to be held that the Additional Commissioner had no power / authority to decide the appeal filed by the petitioner.

Hence, the following order:

- (i) The impugned order is set aside.
- (ii) The appeal filed by the petitioner before the Additional Commissioner is dismissed.
- (iii) I have not examined the merits of the matter and the petitioner would be at liberty to seek redressal of his grievance in appropriate proceedings before appropriate forum, if so advised.

Writ petition is **disposed** accordingly.

In the circumstances, the parties to bear their own costs.

JUDGE