

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6332 OF 2018
WITH
CIVIL APPLICATION NO. 10356 OF 2018

Veronica Kashinath Pandit ...Petitioner

Versus

State of Maharashtra and Ors. ...Respondents

Mr. P.V. Barde, Advocate for Petitioner
Mr. S.B. Pulkundwar, Assistant Government Pleader
for Respondent No. 1
Mr. K.C. Sant, Advocate for Respondent No. 2
Mr. C.A. Jadhav, Advocate for Respondent No. 3
Mr. C.A. Jadhav, Advocate holding for
Mr. A.V. Hon, Advocate for Respondent No. 5

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 15th MARCH, 2019

ORAL ORDER:

1. Mr. Barde, the learned Counsel submits that the communication dated 13.04.2018 denying approval to the appointment of the petitioner is illegal. The conditions enumerated in the direction No.01 of 2017, more particularly, Clause 8 (2) (a) in fact is not mandatory. The same shall have to be construed as directory. The petitioner has submitted the necessary certificates. However, only because Form No. 16 and Income Tax Return is not submitted, the approval is not granted. The same is not necessary.

2. Mr. Natu, the learned Counsel submits that the petitioner took employment with the respondent Nos. 5 and 6 by showing the experience certificate dated 30th July, 2015 issued by the Principal, Supriyadidi Sule College of Nursing, Wadala - Mahadev, Tal. Shrirampur, Dist. Ahmednagar wherein it is shown that the petitioner worked from 01.06.2012 till the date of issuance of experience certificate as Associate Professor. It is on the basis of the said certificate, the respondent appointed the petitioner as Associate Professor. However, the petitioner annexed certificate dated 15.12.2016 issued by the President of the Trust to show that she was working as Principal in the Nursing School and not the College. On the basis of the false certificate, the petitioner took employment with the respondent Nos. 5 and 6.

3. Mr. Jadhav, the learned Counsel for respondent No. 4 submits that the petitioner never worked with the Supriyadidi Sule College of Nursing, Wadala from 01.06.2012 as Associate Professor because the College itself started functioning since the year 2013. The experience certificate produced by the petitioner dated 30th July, 2015 (page 71) is the false and forged document. The petitioner was working in the Shruti Nursing School at Wadala as Principal from 01.08.2012 as per the certificate at page 53.

4. We have also heard the learned Counsel Mr. Sant for the

Health University.

5. After perusing the certificates on record, it appears that the petitioner has fraudulently produced the certificate before the respondent Nos. 5 and 6. The certificate dated 30th July, 2015 (page 71) was never issued by the said Trust and the College as contended by the learned Counsel for the College and it is on the basis of the said certificate, the employment was sought with the respondent No. 5 and 6. The petitioner because of the said fact was not in a position to produce Form No. 16 and Income Tax Return certificate as fraud would have come to light. Such petitioner cannot be granted any protection.

6. No case for interference is made out.

7. The Writ Petition is dismissed with costs.

8. In view of the disposal of the Writ Petition, the Civil Application also stands disposed of.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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