

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

64 WRIT PETITION NO.1213 OF 2018

**MAHESH PRABHAKAR BACHAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Ms. P. S. Talekar i/by Talekar And Associates

AGP for Respondent State: Mr. S. G. Karlekar

Advocate for Respondents 2 & 3: Mr. Shinde Chandrakant K.

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

DATE : 29th January, 2019

PER COURT :

1. Learned Advocate for the petitioner submits that the order of termination is illegal. Appeal has also been dismissed without considering the case of the petitioner. The petitioner could not remain present on the dates shown as absent because of his medical reasons so also medical reasons of his mother. The petitioner has requested for posting at Ahmednagar proper but the same was not considered. The petitioner suffered fracture of spinal cord on 01.06.2014. Learned Advocate submits that absence of the petitioner was not intentional one.

2. Mr. Shinde, learned counsel for respondents 2 and 3 submits that the petitioner was appointed on probation and immediately he started remaining absent. The petitioner was appointed as a peon on 21.01.2014 and on 08th February, 2014 petitioner joined duty. From 15th February, 2014 to 23rd

February, 2014, the petitioner remained absent from work without any application for leave. Again, the petitioner was absent from duty from 1st April to 22nd April, 2014. The petitioner was again absent from 1st June, 2014 till 10th of June, 2014. Time and again show cause notices were issued to the petitioner. During the probationary period itself, the petitioner remained absent consistently.

3. We have considered the submissions. On 13th June , 2014, services of the petitioner were terminated. Within four months of his services, the petitioner was absent from service on many occasions. During probation period, conduct of the petitioner was not trustworthy. Same can be seen from the fact that, one day the petitioner was assigned duty of watchman. However, he left the court without informing the presiding officer or to the Superintendent and he asked watchmen on duty in the Court of Civil Judge to keep watch on the Court building of the District Court also and entrusted keys to him and left the Court.

4. Reply of the petitioner was considered by the disciplinary authority and the action has been taken. The decision does not suffer from any illegality. Writ petition is accordingly dismissed. No costs.

(A. M. DHAVALÉ, J.)

(S. V. GANGAPURWALA, J.)