

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 7054 OF 2016.

Jyotshna D/o. Chhabilal Ahire .. Petitioner
Vs
State of Maharashtra and others .. Respondents

Mr.Sudhir I. Nandode, for the Petitioner.

Mr.M.M.Pabale – Additional Government Pleader, for Respondent No.1.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M.JAMDAR, J.***

Date : 7 June, 2019.

P.C. :

1. The Petitioner seeks reinstatement to the post of Assistant Teacher from which he was terminated by the Zilla Parishad Thane, on 12 February 2001.

2. The Petitioner had filed a Writ Petition in the year 2002 challenging his termination. He withdrew that Writ Petition and filed a departmental appeal. The Appeal was dismissed by the Appellate authority, on 4 July 2003. Then the Petitioner filed a Writ Petition No.9417 of 2003 which was dismissed by the learned Single

Judge. Letters Patent Appeal filed by the Petitioner was dismissed on 24 July 2008. Apart from the departmental proceedings, prosecution was launched against the Petitioner on the ground that he had produced fabricated Course Certificate. The criminal prosecution resulted in acquittal of the Petitioner on 20 November 2015.

3. Based on the order of acquittal, the Petitioner contends that, now since he stands honorably acquitted, the Petitioner should be reinstated in service.

4. Firstly, the order of the learned Magistrate acquitting the Petitioner is based on lack of evidence and by extending the benefit of doubt. Secondly, the Petitioner had already challenged his order of termination which was passed on the ground that he was not qualified to be appointed. Both, the learned Single Judge and the Division bench, had recorded the admitted position that the Petitioner had not obtained qualification from a recognised Institute.

5. May be that the Petitioner stands acquitted from the charge of fabrication, but for the lack of any requisite qualifications, the prayer of the Petitioner for reinstatement cannot be granted. In the circumstances, Writ Petition is dismissed.

N.M.JAMDAR, J.

CHIEF JUSTICE