

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5448 OF 2014

Sharad Baliram Patil

.. Petitioner

Versus

Bhiwandi Nizampur City Municipal
Corporation, through Commissioner
and others

.. Respondents

...

Mr. Amit Gharte for the petitioner.

Mr. A.R. Gole for the respondents.

**CORAM: SHRI RANJIT MORE &
SMT. BHARATI H.DANGRE, JJ.**

DATED : 18th APRIL 2019

P.C:-

1 Heard learned counsel for the respective parties.

2 Petitioner is seeking writ of *quo warranto* against respondent nos.2 to 22 on the ground that their appointment by the respondent no.1, is illegal. The petitioner is also seeking action against respondent nos.23 to 33 for effecting illegal selection and appointment of respondent nos.2 to 22 without the pre-requisite qualification.

3 On behalf of respondent no.1, Shri Anil Vasant

Tilak

Pradhan has filed affidavit in reply dated 13th February 2019. In the affidavit, it is admitted on behalf of respondent no.1 that the special drive appointing respondent nos.2 to 33 is cancelled. The following statements are made in the said affidavit :

*“4. I say that pursuant to the said complaint, Mr.E. Ravindran the then Commissioner of Kalyan Dombivali Municipal Corporation was appointed to enquire into the same and give report. I say that thereafter enquiry was carried out and report dated 31/08/2019 was sent by the aforesaid enquiry officer to the government of Maharashtra. I say that it was inter alia recommended in the said report that the special drive for recruitment of backward class candidates conducted in 2011-12 be cancelled and departmental enquiry be initiated against the concerned officers of the respondent no.1. Hereto annexed and marked as **Exhibit-A** is a copy of the report dated 31.08.2016. I say that for the sake of brevity I am only annexing the text of the findings of the report and crave leave to produce the supporting documents if required.*

5. I say that thereafter the respondent no.1 has acted upon the said report and 3 employees of the respondent no.1 are already suspended and respondent no.1 has proposed to initiate departmental enquiry against the said employees. I say that out of the 74 candidates selected in the said special drive, 2 candidates did not join the service, 7 candidates resigned from their posts, 4 candidates were terminated due to continuous absence, 3 candidates were terminated. I say that the remaining 58 candidates approached the Ld. Industrial Court by several complaints. I say that Ld. Industrial Court has

*granted interim orders in the said complaints. I say that by letter dated 22/11/2018, the respondent no.1 has already intimated the aforesaid progress to the government of Maharashtra. Hereto annexed and marked as **Exhibit-B** is a copy of letter dated 22/11/2018.*

It can be thus seen that respondent no.1 has already initiated action against respondent nos.2 to 22 as well as against its own officers for the irregularity in selection and some of them are suspended. Some of the respondents seem to have approached the Labour Court and obtained interim orders. These interim orders are already challenged by the respondent no.1 in this Court by filing writ and the writ petitions are disposed with directions to the Industrial Court to dispose of the complaints of the concerned respondents in time bound manner.

4 In light of above development, the relief sought in the petition do not survive. Hence, Writ Petition is disposed of.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)