

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

WRIT PETITION NO. 12690 OF 2018

Shri Bhaskar Waman Gavale

... Petitioner.

V/s.

The State of Maharashtra & Ors.

... Respondents.

Mr. Sachin Gite, Advocate for the Petitioner.

Mr. Y. SI Kochare, AGP for Respondent Nos. 1 & 4.

CORAM : R.M. BORDE & N.J. JAMADAR, JJ.

DATE : JULY 31, 2019.

PC :

1 The Petitioner is aggrieved by the communication transmitted by the Block Education Officer, Panchayat Samiti, Nandgaon, informing him that the request made by the Petitioner in respect of his claim for grant of compassionate pension, has been turned down by the Education Officer, Nashik Zilla Parishad, Nashik. The Petitioner claims that he was appointed as Assistant Teacher in the school operated by the Nasik Zilla Parishad, Nasik and as such he has rendered 34 years of service. The Petitioner was removed from service on account of his involvement in an offence, involving moral turpitude. A departmental enquiry was conducted against the

petitioner and the punishment of removal from service has been imposed on the petitioner by order dated 01st August, 2008. The petitioner submits that he is handicapped person and since he has put in 34 years of service, his claim for grant of compassionate pension deserves to be considered.

2 A copy of the judgment delivered by the Ad-hoc Additional Sessions Judge-1, Malegaon in Sessions Case No. 05 of 2004 is annexed to the petition. The Petitioner was charged for committing offence punishable under section 376 read with section 511 of the Indian Penal Code and under section 506 of IPC and also under section 3(iii), (xi) and (xii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. The FIR was lodged against the petitioner by minor victim girls, who were taking education in the school, as they were molested by the Petitioner. The facts giving rise to the prosecution and the trial for the offences alleged, need not be discussed in detail. Suffice it to record that at the conclusion of the trial, the Petitioner was convicted for the offence punishable under section 354 of the IPC and was directed to undergo sentence of imprisonment for a period of one year.

3 An Appeal tendered by the Petitioner to the High Court bearing Criminal Appeal No. 876 of 2008 also came to be dismissed by judgment and order dated 21st November, 2008 passed by the learned single Judge of this court. It is informed that the Petitioner has already undergone sentence of imprisonment imposed against him. Considering the seriousness of the allegations levelled against the Petitioner and the fact that the petitioner is proved to have committed an offence, involving moral turpitude, according to us, it is not a case which deserves any special consideration. No exception can be carved out in favour of the Petitioner for considering his claim for grant of compassionate pension.

4 In the facts and circumstances, those are brought to our notice, we are of the opinion that in exercise of an extra ordinary jurisdiction vested in High Court under Article 226 of the Constitution of India, no interference is called for and the Petition is devoid of substance and is rejected.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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