

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2180 OF 2019

Ganesh S/o Vitthal Waghmare. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

Mr.Sandeep Ingle for the Petitioner.

Ms.Rupali Shinde for Respondent No.1.

Mr.Rahul Werlekar for Respondent Nos.2 and 3.

Digitally
signed by
Sanjay K.
Nanoskar
Date:
2020.03.07
14:24:19
+0530

CORAM : **NITIN JAMDAR AND
M.S. KARNIK, JJ.**

DATE : **4 March 2020.**

P.C. :

By this petition, the Petitioner has challenged the order passed by the Registrar of the City Civil Court dated 6 February 2019 whereunder the Petitioner's candidature for the post of Hamal was rejected on the ground of submitting incorrect information.

2. A reply affidavit has been filed on behalf of the Respondent Nos.2 and 3 wherein it is stated that the Petitioner had applied as per the advertisement and he had submitted a declaration that there is no criminal prosecution pending against him. When an

intimation/ call letter was issued to the Petitioner, it came to the light that a criminal proceeding was pending against him.

3. The learned counsel for the Petitioner relied upon various legal prepositions regarding employment. He submitted that the online form gave one option and he had entered the form by specifically stating that there is a criminal case pending against him. The learned counsel for the Petitioner, therefore, submitted that the action by the Respondents is not warranted.

4. Our attention is drawn by the learned counsel for Respondent Nos.2 and 3 to the Petitioner's own communication dated 28 November 2018 wherein the Petitioner has stated that when he submitted the form he had inadvertently stated that there is no criminal case pending against him. The fact that there was a criminal case pending at that time is not being disputed. The said letter belies the argument advanced by the learned counsel for the Petitioner that the Petitioner had specifically stated in the declaration that a criminal case was pending against him.

2. In the circumstances, the relief as sought by the Petitioner cannot be granted. Writ petition is accordingly rejected.

(M.S. KARNIK, J.)

(NITIN JAMDAR, J.)