

Sequeira

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

WRIT PETITION NO. 5559 OF 2019

Sanjeev S/o Narhari Khadke

.. Petitioner

Vs

The State Co-operative Election Authority and others .. Respondents

Mr.Anil Anturkar, Senior Advocate a/w Mr.Amol Gatne, for the
Petitioner.

Mr.Dilip Bodake, for Respondent No.1.

CORAM : NITIN JAMDAR &

M.S.KARNIK, JJ.

Date : 17 February 2020.

P.C. :

The learned Senior Advocate for the Petitioner at the outset pointed out that in view of the settled law governing contractual appointment, a writ directing the Respondents to appoint the Petitioner on the contractual basis again will be difficult to seek. He states that however, in view of the order impugned in this Petition, the next step the Respondents are likely to take is the recovery of the amounts paid to the Petitioner on the basis that Government Resolution dated 17 December 2016 is applicable to the Petitioner. However, we have not been shown any communication addressed to the Petitioner in that regard. Before any amount is

recovered from the Petitioner, the Petitioner will no doubt be given an opportunity by the Respondent to explain and sufficient time to challenge the recovery if so ordered. We keep all the contentions of the Petitioner open in that regard.

2. During the course of the hearing, learned Senior Advocate for the Petitioner has shown us a communication dated 30 April 2019 being a show-cause. However, the perusal of the letter shows that recovery is sought on a different ground. This letter is shown across the bar and is not part of the Petition. As is open to any litigant, it is open to the Petitioner to challenge the same as per law if so aggrieved. We have no reason to believe that the Respondents will not follow the due process, and will not give an adequate opportunity to the Petitioner to meet the show-cause.

3. Writ Petition is disposed of.

M.S.KARNIK, J.

NITIN JAMDAR, J.