

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

988 WRIT PETITION NO.7182 OF 2021

ALI HAIDAR KHAN AJMAL KHAN
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

Advocate for Petitioner : Ms. Sayali Kulkarni, h/f Mrs. Surekha P. Mahajan.

AGP for Respondent/State: Mr. P. K. Lakhotiya.

Advocate for Respondent Nos.4 & 5 : Mr. Pralhad D. Bachate.

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CORAM : **S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 28th September, 2021.

PER COURT:

. We have heard Mrs. Surekha P. Mahajan, learned counsel for petitioner on the last date so also Mr. P. D. Bachate, learned counsel for respondent Nos.4 and 5.

2 The contention of the petitioner appears that the petitioner is terminated from service abruptly under the impugned order without following the procedure.

3 According to the respondents, the petitioner was time and again instructed to improve his conduct. The petitioner has filed false applications in the police stations. The petitioner has also committed

misappropriation. The petitioner is alcoholic. For all these reasons, the petitioner is terminated. The petitioner has alternate remedy of appeal if he is aggrieved by the impugned order.

4 It is not disputed that the petitioner is appointed in the year 1993. The petitioner was also appointed as in-charge Headmaster on 29th November, 2018. The said appointment as in-charge Headmaster was also approved.

5 The petitioner is a permanent employee. Under the impugned order, abruptly the services of the petitioner are discontinued on the grounds enumerated in the impugned order. The petitioner is working since 1993, a permanent employee also approved as in-charge Headmaster and without adhering to the procedure as prescribed under Rules 36 and 37 of the MEPS Rules, the petitioner's services are put to an end.

6 In normal course, we would have certainly relegated the petitioner to avail the alternate remedy.

7 However, considering the facts of the present case that the petitioner is working since the year 1993, is also appointed as the in-charge Headmaster, his appointment as in-charge Headmaster is also approved and on 25th May, 2021 the order is issued of termination

without an iota of inquiry or show cause notice, we have entertained the petition.

8 The impugned order is quashed and set aside.

9 The petitioner is reinstated in service with continuity.

10 The present order would not preclude the present respondent Nos.4 and 5 in conducting the inquiry in accordance with the law and taking action if the petitioner has erred.

11 It is for the respondent Nos.4 and 5 to take steps against the employee/petitioner as is permissible under the provisions of the MEPS Act and Rules.

12 The writ petition is allowed in above terms. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]