

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13196 OF 2021

VIJAY RADHESHAM AGRAWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. U.R. Awate, Advocate for
M/s. Talekar And Associates
Addl. GP for Respondent – State : Mr. P. S. Patil

...
CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.

DATE : 01st DECEMBER, 2021

PER COURT :-

Heard Mr. Awate, learned counsel for the petitioner and Mr. Patil, learned Additional Government Pleader.

2. Mr. Awate, learned counsel for petitioner submits that petitioner was appointed on *ad hoc* - contract basis. The petitioner was removed from the service under order dated 21-06-2019 passed by respondent no. 3. The said order is a stigmatic order.

If removal from service is under a stigmatic order, departmental enquiry is contemplated. In the present case, without holding a departmental enquiry or disciplinary enquiry, the petitioner has been removed from the service and the same is arbitrary.

Reliance is placed on the Judgment of the Supreme Court in the case of *Hari Ram Maurya Versus Union of India and others* reported in (2006)9 *Supreme Court Cases* 167, to contend that for termination of service, if punitive, an enquiry is mandatory and the petitioner is terminated without holding an enquiry.

3. It would appear that the petitioner was a contractual employee. The petitioner's services were continued for a period of six months under order dated 14th May, 2019. The said period would come to an end in November, 2019. The petitioner's services are terminated by the Chief Executive Officer, Zilla Parishad, Hingoli, under order dated 21-06-2019, on the ground that a Criminal Case has been registered against the petitioner bearing No. 336 of 2019 under Section 7 of the Prevention of Corruption Act.

4. Even accepting the contention of the petitioner that petitioner would have stood relieved on 14-11-2019, the order of terminating the services of the petitioner is challenged by filing the present petition in October, 2021, the contractual services of the petitioner were already over in 2019 itself.

5. Section 26 of the Maharashtra Prathamik Shiskahn Prarishad Service Regulations, 1994 provides that, if appointment of the petitioner is made for a specified period, on the expiry of such period, unless the appointment is extended for a further period, services of the employee stands terminated. Since the contractual period of the petitioner came to an end on 14-11-2019, we are not required to go into other facets of the matter. Writ petition is therefore disposed of.

(R. N. LADDHA)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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