

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3238 of 2020**

Yuvraj Somnath GodePetitioner
Versus
Mira Bhayandar Municipal Corporation and anr.Respondents

Ms. Fauzia Bukhari, advocate for the petitioner.
Ms. Pooja R. Singh i/b. Mr.N. R. Bubna, advocate for respondent Nos.1
and 2.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 14th DECEMBER, 2021.

P.C. :

1. The petition is circulated before this Court as the learned counsel for the petitioner claimed urgency.
2. Heard learned counsel appearing for the respective parties.
3. Learned counsel for the petitioner submitted that the petitioner was nominated for the post of Leading Fireman. Initially, an advertisement was issued by respondent No.1 – Mira Bhayandar Municipal Corporation. As there was no positive response to the advertisement, the names were called from the Employment Exchange.

Considering the qualifications of the petitioner, the petitioner was firstly nominated and then was appointed as Leading Fireman vide order dated 30th May, 2011, a copy of which is placed on record at Exhibit -C, page 28 of the petition. Learned counsel for the petitioner submitted that there were certain other persons who were nominated and subsequently appointed on other posts such as Sub-Station Officers, Firemen and Laboratory Assistants. The minutes of resolution are also placed on record. Perusal of the minutes show that respondent – Corporation was in dire need for appointing persons at various levels and in different departments. Particularly, there was an emergent need of filling up the post in Fire Services Department. The petitioner was subjected to a notice of termination of his services. A copy of the said notice is placed on record at Exhibit- 'E'. The reason assigned in the notice is that the petitioner has submitted a certificate of obtaining necessary training for the post of Firemen through an institute viz. Parmanand College of Fire Engineering and Safety Management, Chandan Nagar, Pune. On verification of the documents, it revealed that the said institute was not having any approval or recognition from the State Government. It seems that subsequent to the notice, the order was passed terminating the services of the petitioner. The petitioner initially approached the learned Judge of Labour Court, then there were some series of litigations and ultimately, the petitioner approached this Court. Perusal of the documents placed on record further shows that certain employees, who were similarly

circumstanced with the petitioner, had approached this Court by filing writ petitions. Initially, by way of interim relief, the respondent – Corporation was directed to reinstate the petitioners in the services. The petitions, then, came up before this Court on 20th September, 2019. By an order dated 20th September, 2019 in writ petition No.9444 of 2019 was directed to be heard along with writ petition No.9447 of 2019 and writ petition (stamp) No.10074 of 2019. Vide order dated 1st October, 2019, writ petition No.9444 of 2019 was disposed of. The writ petition was allowed subject to compliance of certain conditions. It may be useful for our purpose to refer to the operative part of the order passed by the Division Bench, which reads thus:

“(i) The petition is allowed in terms of prayer clause

(a), subject to the conditions that : (a) The petitioners shall complete the course, namely, Certificate Course in Fire Safety Training from National Institute of Fire Safety Engineering, Nagpur, within a period of one year from the date of their reinstatement.

(b) The respondent Nos.1 and 2 shall sponsor the petitioners for the said training and render necessary assistance to the petitioners to enable the petitioners to complete the said course.

(c) In the event, the petitioners fail to complete the said course within the stipulated period, the respondent Nos.1 and 2 are at liberty to take appropriate action against them.

(d) The petition accordingly stands disposed of."

3. Learned counsel for the petitioner submitted that the present petition is pending before this Court and though the petitioner is similarly circumstanced with the petitioner in writ petition No.9444 of 2019 as well as the petitioner in writ petition No.11268 of 2019, due to paucity of time, the instant petition could not be heard and the same remained pending. Learned counsel for the petitioner then submitted that recently respondent No.1 – Mira Bhayandar Municipal Corporation filed interim applications before this Court. It was submitted before this Court that though vide order dated 1st October, 2019 passed in writ petition No.9444 of 2019, the petitioners were permitted to complete their training from National Fire Services College, Nagpur. It was informed to respondent No.1- Corporation by communication dated 2nd November, 2020 that the said National Fire Services College, Nagpur, is not conducting the course anymore and the course is now being conducted by Maharashtra Fire Services, Mumbai. Learned counsel for the petitioner also submitted before this Court that the applicant/respondent No.1 is ready to sponsor the candidate/petitioner in compliance with the order of this Court to take training from the institute now conducting the course viz. Maharashtra Fire Services, Mumbai. Considering all the factual aspects, this Court vide order dated 25th November, 2021 passed in interim application No.2486 of 2021 along with other interim application, permitted the applicant-

Corporation to refer the petitioners as sponsored candidates to Maharashtra Fire Services, Mumbai, in pursuance to the communication dated 6th July, 2020. Learned counsel for the petitioner submitted that similar view be adopted in case of the present petitioner.

4. Learned counsel appearing for respondent No.1-Corporation fairly admitted the factual scenario referred above.

5. We find considerable merit in the submission of learned counsel for the petitioner that the petitioner is similarly circumstanced with the petitioners in writ petition No. 9444 of 2019 and other connected matters. There is no reason for us to take a different view than the view adopted by this Court while disposing the writ petition vide order dated 1st October, 2019, as well as while disposing the interim applications filed at the instance of respondent No.1 – Mira Bhayandar Municipal Corporation. Accordingly, we pass the following order :

ORDER

(i) The petition is allowed in terms of prayer clause (a), subject to the conditions that :

(a) The petitioner shall complete the course, namely, Certificate Course in Fire Safety Training from Maharashtra Fire Services, Mumbai within a period of one year from the date of his reinstatement.

(b) The respondent Nos.1 and 2 shall sponsor the petitioner for the said training and render necessary assistance to the petitioner to enable him to complete the said course.

(c) In the event, the petitioner fails to complete the said course within the stipulated period, the respondent Nos.1 and 2 are at liberty to take appropriate action against him.

The petition accordingly stands disposed of.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)