

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

INTERIM APPLICATION NO. 2486 OF 2021

IN

WRIT PETITION NO.9447 OF 2019

Mira Bhayandar Municipal Corporation and anr.Applicants

In the matter of

Sawant Shivaji BhimaPetitioner

Versus

Mira Bhayandar Municipal Corporation and anr.Respondents

with

INTERIM APPLICATION NO. 2487 OF 2021

IN

WRIT PETITION NO.9444 OF 2019

Mira Bhayandar Municipal Corporation and anr.Applicants

In the matter of

Satish Babulal Gangurde and ors.Petitioners

Versus

Mira Bhayandar Municipal Corporation and anr.Respondents

with

INTERIM APPLICATION NO. 2488 OF 2021

IN

WRIT PETITION NO.11268 OF 2019

Mira Bhayandar Municipal Corporation and anr.Applicants

In the matter of

Malgonda Balgonda Nagonda and ors.Petitioners

Versus

Mira Bhayandar Municipal Corporation and anr.Respondents

with

INTERIM APPLICATION NO. 2489 OF 2021

IN

WRIT PETITION NO.11371 OF 2019

Mira Bhayandar Municipal Corporation and anr.Applicants

In the matter of

Sachin Raghunath Tele and ors.Petitioners

Versus

Mira Bhayandar Municipal Corporation and anr.Respondents

with
INTERIM APPLICATION NO. 2503 OF 2021
IN
WRIT PETITION NO.11269 OF 2019

Mira Bhayandar Municipal Corporation and anr.	Applicants
In the matter of	
Vinayak Laxman Patil	Petitioner
Versus	
Mira Bhayandar Municipal Corporation and anr.	Respondents

Ms. Fauzia T. Bukhari, advocate for the petitioners.
Ms. Pooja Singh i/b. Mr. N. R. Bubna, advocate for the
applicants/respondents.

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

DATE : 25th NOVEMBER, 2021.

P.C. :

1. The applicants – Mira Bhayandar Municipal Corporation and the Municipal Commissioner of Mira Bhayandar Municipal Corporation prayed for directions in terms of prayer clause (a) of the applications. It is submitted that in peculiar circumstances, the applicants have approached this Court. Our attention was invited to disposed of writ petition No.9447 of 2019. From the perusal of the documents placed on record in the said writ petition, it can be seen that the petitioners were appointed in the Corporation as a driver operator and on verification of documents, it is revealed that the institute viz. College of Fire Engineering and Safety Management, Chandan Nagar, Pune, wherein the petitioners were trained was not a recognized institution. The Division Bench of this Court,

in its order dated 1st October, 2019, in writ petition No.9447 of 2019 relied on order passed in writ petition No.9444 of 1999. In the backdrop of the fact that identical issues were involved in all these petition, this Court allowed the writ petitions subject to certain conditions. It would be useful for our purpose to refer to condition Nos. (a) and (b) which are reproduced hereinbelow :

- (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 complete the said course.

3. Learned counsel for the applicants invited our attention to the copy of the communication dated 2nd November, 2020, placed on record at page 9 of the application, whereby it is informed that the said course is not conducted by National Fire Service College, Nagpur, anymore and the course is conducted by Maharashtra Fire Services, Mumbai. It was further informed that accordingly the Corporation may send candidates to Maharashtra Fire Services, Mumbai for further training. Learned counsel for the applicants submitted that in view of the communication dated 2nd November, 2020, a request was made to Maharashtra Fire Services to

permit the candidates to undergo training in the said institute. Learned counsel for the applicants also invited our attention to communication dated 6th July, 2020 addressed to the applicant No.2 by the Director, Maharashtra Fire Services. A copy of which is annexed at Exhibit "B". By way of the said communication, it was informed to the applicant that as the order of this Court refers to National Institute of Fire Safety and Engineering College, Nagpur, it may not be applicable to the present training institute i.e. Maharashtra Fire Services. The communication further stated that presently there is no training facility available even at Maharashtra Fire Services due to guidelines issued by the Central Government and State Government in the backdrop of Covid-19 pandemic situation. It is further informed in the communication that the applicants may send their candidates/employees for training as and when the training course is opened as per notification/circular. It is also stated that the sponsored candidates must comply necessary conditions which are pre-requisite for training course.

4. Learned counsel for the applicants as well as learned counsel appearing for the petitioners submitted that the parties are in fix due to peculiar circumstances which are beyond their control viz. closure of training by the earlier institute i.e. National Fire Service College, Nagpur and the institute which imparts training now was not party to the earlier petitions.

5. Learned counsel appearing for the petitioners, on instructions, submitted that though it was informed by communication dated 6th July, 2020, that training course was closed due to guidelines of the Central Government and State Government, in view of changed scenario, the institute viz. Maharashtra Fire Services Centre recently started this training course in January – 2021. In the backdrop of these facts, the applicants pray for grant of prayer clause (a).

6. Considering the judgment of this Court dated 1st October, 2019 passed in writ petition No.9447 of 2019, submissions of learned counsel appearing for the applicants and petitioners as well considering the affidavit-in-reply placed on record and more particularly the following facts viz. (i) closure of training course conducted by National Fire Services College, Nagpur (ii) training now available only in Maharashtra Fire Services, Mumbai and (iii) the willingness shown by Maharashtra Fire Services, Mumbai to allow candidates sponsored by the applicants/Corporation on opening the course subject to complying the requisite conditions and the fact that the course is now opened from January 2021, we permit the applicants/corporation to refer the original petitioners as sponsored candidates to Maharashtra Fire Services in pursuance to the communication dated 6th July, 2020.

7. With the above referred observation, the interim applications are disposed of.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)