

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3387 OF 2020

Jyothsana wd/o Avinash Bhivgade

... Petitioner

Versus

Disciplinary Authority &
Additional Commissioner, Nagpur
and another

... Respondents

Ms. Rashmi P. Ghantawar, holding for Mr. S.S. Dhengale, Advocates
for Petitioner.

**CORAM : NITIN JAMDAR &
ANIL S. KILOR, JJ
DATE : 15 FEBRUARY 2021**

P.C.:

The Petitioner, who was working on the post of Tax Collector with the Municipal Corporation, Nagpur, has challenged the order passed by the Respondent No.1- Additional Commissioner on 3 March 2020, removing the Petitioner from service. The ground on which the Petitioner has been removed from service is his conviction in a criminal case. The order is passed under Section 56(2) of the Maharashtra Municipal Corporations Act, 1949. Section 56(4) of the Act provides for an appeal from the order of removal. The Proviso to Section 56(4) of the Act states that the Standing Committee shall be deemed to be the Authority immediately superior to the Commissioner for the purpose of appeal.

2. In view of the position that the Petitioner has a statutory remedy of appeal, the Petition need not be entertained. Keeping all the contentions of the Petitioner open to be urged in appeal, the Writ Petition is disposed of.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Lanjewar

Prashant
Lanjewar

Digitally
signed by
Prashant
Lanjewar
Date:
2021.02.16
11:41:51
+0530