

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO.54 OF 2022

IN

WRIT PETITION NO.3379 OF 2019

WITH

CIVIL APPLICATION NO.2639 OF 2022

IN

**REVIEW APPLICATION (CIVIL) NO.54 OF 2022**

Vinod Tanajirao Nannavare,  
Age : 49 years, Occu: Nil,  
R/o. Sarafaraj Nagar, Parbhani,  
Tq. & Dist. Parbhani.

... REVIEW PETITIONER

## VERSUS

1. The State of Maharashtra, through Principal Secretary, Urban Development Department, Mantralaya, Mumbai-32.

2. The Parbhani City Municipal Corporation,  
Parbhani, Tq. and Dist. Parbhani  
(through its Commissioner) ...

## ... RESPONDENTS

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Advocate for Applicant : Mr. Vivek J. Dhage  
AGP for Respondent/State: Mr. S.B. Yawalkar

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**CORAM : MANGESH S. PATIL AND  
SHRIKANT D. KULKARNI, JJ.**

**DATE : 19.08.2022**

**ORAL ORDER (MANGESH S. PATIL, J.) :**

The original petitioner in Writ Petition no.3379/2019 is seeking review of the order dated 28.09.2021 whereby his petition was disposed of.

2. The learned advocate for the petitioner Mr. Dhage would vehemently submit that it was a matter of illegal termination of the petitioner. It was stigmatic. There was material to demonstrate that the decision to abruptly terminate his service was taken at the instance of a corporator. Even though the Court has clarified that it was not stigmatic, the circumstances were writ large to demonstrate otherwise. He would take us through the record and proceeding of the writ petition to point out that from time to time a corporator was making grievance about his alleged perception regarding petitioner's misbehaviour. Even in the affidavit-in-reply filed in the writ petition a reference to that incident was made. Therefore even though the order of termination did not expressly state as to what had prompted the corporation to pass the order, the circumstances were indicative of such termination being stigmatic.

3. Learned advocate Mr. Dhage cites the decisions in the matter of (1) **Dipti Prakash Banerjee Vs. Satvendra Nath Bose National Centre for Basic Sciences, Calcutta and Ors.**; 1999 AIR SCW 605, (2) **Vishwanath Dnyanoba Kirade Vs. Nav Akanksha Mahila Mandal Parbhani and Ors.**; 2015(3) Mh.L.J. 725, (3) **Jeevan Shikshan Mandal, Umred and Anr. Vs. Umesh Gangadharrao Mohod and Anr.**; 2019(6) Mh.L.J 728 and (4) **Senapati Prataprao Gujar Education Society, Kanadewadi and Anr. Vs. Keshav Pandharinath Deshmukh and Ors.**; 2019 (1) Mh.L.J. 727. He would submit that even in case of termination of a probationer, procedure and rules have to be followed by giving him opportunity of being heard and

following the principles of natural justice. No such procedure was followed in the present matter.

4. He would also submit that the petitioner was, in spite of the complaints of the corporator, given appointments on two occasions thereafter. All these facts and circumstances and the decisions had remained to be brought to the notice of this Court and the order be reviewed.

5. It was indicated in so many words in the order that unsatisfactory work was not the basis or foundation for the order of termination but was a motive. It was also expressly pointed out that had it been the fact that the order of termination was passed on the basis of unsatisfactory work, obviously a proceedings mandatorily would have to be taken. That was not the case and consequently it was expressly stated that by avoiding any inquiry into the alleged under performance had in fact worked in favour of the petitioner in as much as he was saved from any allegations about such unsatisfactory work.

6. In fact, an avenue for the petitioner was kept open to participate in the on going process for employment on the contract basis for which the advertisement was published. It was also expressed that he would be entitled to apply for if and when the post was sanctioned, for substantive appointment if he was otherwise eligible.

7. Considering the fact that we had expressly declared the petitioner eligible to participate in the further selection process and indicated that the termination was not stigmatic and his under performance

was not the foundation for termination, there is no formal defect or error apparent on the face of record sufficient enough to enable this Court to undertake a review.

8. The Review Application is dismissed.
9. Pending civil application is disposed of.

(SHRIKANT D. KULKARNI, J.)

(MANGESH S. PATIL, J.)

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