

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

WRIT PETITION NO. 2194 OF 2022

Dr. Vikas Gandal	}	Petitioner
Versus		
Navi Mumbai Municipal Corporation and Anr.	}	Respondents
	}	

Mr. Vivek Vijay Salunke for the petitioner.

Mr. Sandeep V. Marne for the respondents.

**CORAM: DIPANKAR DATTA, CJ &
M. G. SEWLIKAR, J.**

DATE: APRIL 12, 2022

P.C.:

1. The petitioner instituted this writ petition on 7th May 2021 questioning a show-cause notice dated 13th October 2020 and a final notice dated 5th April 2021 issued by the Municipal Commissioner, Navi Mumbai Municipal Corporation.
2. During the pendency of this writ petition, the Commissioner, by an order dated 27th January 2022, terminated the service of the petitioner referring to section 10(1) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.
3. With the order of termination having coming into existence, the challenge to the show cause notice and the final notice do not survive.

4. We dispose of this writ petition granting liberty to the petitioner to question the order of termination before the Standing Committee, under section 56(4) of the Maharashtra Municipal Corporations Act, 1949. In the event an appeal is preferred within a fortnight from date, the same shall be decided on merits waiving the bar of limitation. Needless to observe, the decision on the appeal shall be given by the Standing Committee in accordance with law.

5. No costs.

6. All contentions are left open.

(M. G. SEWLIKAR, J.)

(CHIEF JUSTICE)

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