

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

WRIT PETITION NO. 3468 OF 2022

Nalini W/o Natthuji Shende,
aged about 56 years,
R/o B-8/1, Vyankatesh Nagar,
Near KDK College,
Nandanvan, Nagpur.

.....**PETITIONER**

...V E R S U S...

- (1) State of Maharashtra,
Through Secretary,
Education Department,
Mantralaya, Mumbai.
- (2) Deputy Director of Education,
Nagpur Region, Near Old Morris
College, Sitabuldi, Nagpur.
- (3) Education Officer,
Civil Lines, Nagpur.
- (4) Headmistress,
Smt Jankidevi Jaiswal Prathmik
Vidyalaya, 823, Nehru Nagar,
Nandanvan, Nagpur-9.

.....**RESPONDENTS**

Mr. A. A. Potnis, Advocate for the petitioner
Mr. N. S. Rao, A.G.P. for respondents 1 to 3
Mr. A. D. Mohgaonkar, Advocate for respondent 4

CORAM : ROHIT B. DEO AND
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 23-03-2023

JUDGMENT (PER : Rohit B. Deo, J.)

Rule. Rule made returnable forthwith. Heard finally with consent of the parties.

2. Petitioner is aggrieved by the order dated 28-7-2021 rendered by respondent 2 - Deputy Director of Education, Nagpur Division, Nagpur whereby the petitioner is held not entitled to pension under Rule 101 of the Maharashtra Civil Services (Pension) Rules, 1982 (Pension Rules).

3. Rule 101 of the Pension Rules reads thus :

“101 : Grant of Compassionate Pension in deserving cases by Government :

(1) A Government servant who is removed from service shall forfeit his pension and gratuity :

Provided that if the case is deserving of special consideration, Government may sanction a Compassionate Pension not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on compassionate pension.

(2) A compassionate pension sanctioned under the proviso to sub-rule (1) shall not be less than the minimum pension as fixed by Government.

(3) A dismissed Government servant is not eligible for Compassionate Pension.”

4. The communication-cum-order impugned observes that a dismissed employee is not eligible for compassionate pension.

5. Adverting to the facts, petitioner was appointed on temporary basis with Smt. Jankidevi Jaiswal Prathmik Vidyalay, Nagpur and was conferred permanency from 1-7-1996. The petitioner was dismissed vide order dated 10-7-2006.

6. We are not required to consider the merits of the challenge to the dismissal order, in as much as the petitioner's contention that she was denied opportunity of effective hearing and that the dismissal is *mala fide* is rejected by the Tribunal which dismissed the appeal preferred by the petitioner, and Writ Petition 2417/2007 preferred by the petitioner challenging the judgment of the School Tribunal is dismissed by the High Court vide judgment dated 30-7-2015.

7. It appears that few years passed before the petitioner approached respondent 2 seeking pension under Rule 101 of the Pension Rules which claim is rejected by the order impugned.

8. We have heard learned counsel Mr. Akhilesh Potnis on behalf of the petitioner, learned Assistant Government Pleader

Mr. N. S. Rao for respondents 1 to 3 and learned counsel Mr. A. D. Mohgaonkar for respondent 4.

9. Mr. Akhilesh Potnis canvasses the following submissions.

- (i) Respondent 2 failed to appreciate that the petitioner was not dismissed but was “removed” from service.
- (ii) Respondent 2 failed to appreciate the provisions of Rule 62(6) of the Pension Rules.
- (iii) Respondent 2 failed to appreciate that the petitioner is a destitute having no means of livelihood.
- (iv) The termination of the petitioner is illegal.
- (v) A coordinate Bench of the High Court has granted similar relief in **Anna Deoram Londhe, deceased through his L.R. Smt. Indirabai w/o Anna Londhe .vs. State of Maharashtra [1998 (3) Mh.L.J. 435]**.
- (vi) Rule 31 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (MEPS Rules) does not provide for punishment of dismissal. As a sequitur, a dismissed employee must be treated as terminated employee.

10. Before we consider the submissions canvassed by Mr. Akhilesh Potnis, we may extract provisions of Rules 26 and 27 of

the Pension Rules, which read thus :

“26. Pension subject to good conduct.

(1) Future good conduct shall be an implied condition of every grant of pension or family pension. Government may, by order in writing, withhold or withdraw a pension or family pension or part thereof, whether permanently or for a specified period, if the petitioner or family pensioner is convicted of a serious crime or is found guilty of grave misconduct.

Provided that where a part of pension or family pension is withheld or withdrawn the amount of remaining pension or family pension shall not be reduced below the minimum pension or family pension as fixed by Government.

(2) Where a pensioner or family pensioner is convicted of a serious crime by a court of law, action under sub-rule (1) shall be taken in the light of the judgment of the court relating to such conviction.

(3) In a case not falling under sub-rule (2), if Government considers that the pensioner is prima facie guilty of grave misconduct, it shall, before passing an order under sub-rule (1), follow the procedure as laid down in rules 8 and 9 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 for imposing a major penalty.

(4) The Maharashtra Public Service Commission shall be consulted before an order under sub-rule (1) is passed in respect of Officers holding posts within their purview.

27. Right to Government to withhold or withdraw pension.

(1) [Appointing Authority may], by order in writing,

withhold or withdraw a pension or any part of it whether permanently or for a specified period, and also order the recovery, from such pension, the whole or part of any pecuniary loss caused to Government if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered upon re-employment after retirement.

Provided that the Maharashtra Public Service Commission shall be consulted before any final orders are passed in respect of officers holding posts within their purview :

Provided further that where a part of pension is withheld or withdrawn, the amount of remaining pension shall not be reduced below the minimum fixed by Government.

(2) (a) The departmental proceedings referred to in sub-rule (1), if Instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government Servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service.

(b) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment :

(i) shall not be instituted save with the sanction of Appointing Authority.

(ii) shall not be in respect of any event which took place more than four years before such institution, and

(iii) shall be conducted by such authority and at such place as the Government may direct and in accordance with

the procedure applicable to the departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.

(3) No judicial proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose or in respect of an event which took place, more than four years before such institution.

(4) In the case of a Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in rule 130 shall be sanctioned.

(5) Where Government decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not, subject to the provision of sub-rule (1) of this rule, ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government Servant.

(6) For the purpose of this rule :

(a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from an earlier date, on such date; and

(b) judicial proceedings shall be deemed to be instituted -

(i) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which

the Magistrate takes cognizance is made, and

(ii) in the case of civil proceedings, on the date of presenting the plaint in the Court.”

11. In case of **Kulkarni Shashikant Bhavani Vs. Bombay Physical Culture Association and ors.** [2019(5) Mh.L.J. 198], the entitlement of an employee, who is removed from service on proved charge of misconduct involving element of moral turpitude, is considered. We may extract the relevant observations which read thus :

“24. In the present case, the petitioner is removed from service on a proved charge of grave misconduct involving moral turpitude. This being the position, if respondent no.2 has rejected the claim of the petitioner for pension on the ground that the petitioner is removed from service on account of proved charge of grave misconduct, we do not find the action of the respondents is contrary to the rules or in any manner arbitrary. No doubt, pension is a right of the petitioner, but the same is governed by the said Rules. A plain reading of Rules 26 and 27 makes it amply clear that the Government has a power to withhold permanently a pension, if the petitioner is found guilty of grave misconduct. The petitioner was removed from the service before he attained the age of superannuation. The removal from the service before he reaches the age of superannuation will hardly be of any consequence, for when claim for pension is made upon cessation of service, the same would be governed by the provisions of the Rules 26 and 27 of the said Rules. The conduct of the petitioner and grave nature of the proved misconduct involving moral turpitude for which the petitioner is removed from service would disentitle the petitioner to claim pensionary benefits.

It is not possible to fathom a situation where an employee is held eligible for pension though he is removed from service upon a proved misconduct of a serious nature before attaining the age of superannuation or on completion of pensionable service; whereas in respect of an employee who has retired, his right to receive pension is made subject to good conduct in future. Subject to the provisions of Rules 26 and 27, departmental proceedings can be held even against a retired employee and if held guilty of grave misconduct, his pension can be forfeited.”

We respectfully agree with the view of the coordinate Bench that the right to pension is regulated and governed by the statutory provisions, and considering that the entitlement to pension is subject to good conduct, and the employer has the right to withhold or withdraw pension, an employee, who is removed from service on serious allegations, is not entitled to pension, as a matter of right.

12. We may now consider the submissions canvassed by Mr. Akhilesh Potnis.

13. Submission (iv) that the termination of the petitioner is illegal, need not be considered since the dismissal order has assumed finality, in view of the dismissal of the appeal preferred by the petitioner, and the refusal of the High Court to interfere with the judgment of the School Tribunal.

14. Submission (v) that similar relief is granted by the High Court in **Anna Deoram Londhe** (supra) may now be considered. The factual matrix in Anna Deoram Londhe was that the employee was removed from service since he was convicted under Section 302 of the Indian Penal Code, which conviction was altered by the High Court to Section 325 of the Indian Penal Code. The Hon'ble Supreme Court granted liberty to the employee to make a representation to the Government for compassionate pension under Rule 100 read with Rule 101 of the Rules. Even before a decision could be taken on the representation, the employee expired and in the peculiar and glaring facts of the case, the High Court held that family pension be paid to the widow of the employee.

15. Anna Deoram Londhe is a decision which turns on facts. The conviction for bodily offence did not have any nexus with the discharge of duties. Hon'ble Supreme Court granted leave to the employee to prefer representation for compassionate pension under Rule 101 of the Pension Rules. The employee expired before a decision could be taken on the representation, and in the glaring factual matrix, the High Court directed that pension be paid to the widow of the employee.

16. In our considered view, Anna Deoram Londhe does not take the case of the petitioner, who has been dismissed on serious charges touching the discharge of duties, any further.

17. Submission (i) which is that the petitioner was removed from service and not dismissed, that (ii) the provisions of Rule 62(6) of the Pension Rules are not appreciated by the authority and (vi) that punishment of dismissal is not envisaged under Rule 31 of the MEPS Rules, are interlinked.

18. Rule 31 of the MEPS Rules reads thus :

“31. Classification of penalties

The penalties shall be classified into minor and major penalties as under :

(1) minor penalties :

(i) reprimand,

(ii) warning,

(iii) censure,

(iv) withholding of an increment for a period not exceeding one year, of the whole or part of any pecuniary loss caused to the Institution by negligence or breach of orders.

(2) major penalties :

(i) reduction in rank,

(ii) termination of service.”

19. Rule 31 of the MEPS Rules will have to be read conjointly

with Rule 29 of the MEPS Rules which we extract :

“29. Penalties

Without prejudice to the provisions of these rules, any employee guilty of misconduct, moral turpitude, wilful and persistent neglect of duty and incompetence, as specified in rule 28, shall be liable for any of the following penalties, namely :

(1) warning, reprimand or censure.

(2) withholding of an increment for a period not exceeding one year,

(3) recovery from pay or from some other amount as may be due to him of the whole or part of any pecuniary loss caused to the Institution by negligence or breach of orders.

(4) reduction in rank.

(5) termination of service :

Provided *that, an employee of a private school aggrieved with decision of imposing a minor penalty as specified in clause (1) of rule 31 may prefer an appeal to the Deputy Director of the region concerned within 45 days from the date of receipt of the order of punishment.”*

20. Rule 31 of the MEPS Rules classifies penalties into minor and major. Reduction in rank and termination of service are classified as major penalties.

21. Rule 33 provides the procedure for inflicting major penalties. Sub-rule (1) provides that if an employee is alleged to be guilty of any of the grounds specified in sub-rule (5) of Rule 28 and if

there is reason to believe that in the event of the guilt being proved, the employee is likely to be reduced in rank or removed from service, the management shall decide whether to hold an enquiry.

Sub-rule (5) of Rule 28 of MEPS Rules reads thus :

(5) An employee shall be liable to be punished on one or more of the following grounds namely :

- (a) misconduct;*
- (b) moral turpitude;*
- (c) wilful and persistent negligence of duty;*
- (d) incompetence.*

For the purpose of this rule -

(a) "Misconduct" shall include the following acts, namely:

(i) breach of the terms and conditions of service laid down by or under these rules;

[(ii) violation of the code of conduct; and

(iii) any other act of similar nature.]

[(b) "Moral turpitude" shall include the following acts, namely:

(i) immodest or immoral behaviour with a female or male student or employee; and

(ii) any other act of similar nature.]

(c) "Wilful negligence of duty" shall include the following acts namely:

(i) dereliction in, or failure to discharge, any of the duties prescribed by or under these rules;

(ii) persistent absence from duty without previous permission; and

(iii) any other act of similar nature;

(d) "Incompetence" includes the following acts, namely:

(i) failure to keep up academic progress and up to date knowledge in spite of repeated instructions in that behalf and provisions of facilities;

(ii) failure to complete the teaching of the syllabus determined for the year within the fixed periods for reasons not beyond his control; and

(iii) any other act of similar nature.

22. Rule 31 of the MEPS Rules does not use the expression "dismissal". The expression employed is "termination". The statutory scheme is that the maximum punishment which can be imposed on an employee, who is held guilty of serious misconduct including misconduct involving moral turpitude, is termination. In the context of the statutory scheme of the MEPS Rules, no distinction can be drawn between termination and dismissal or removal of service, if an employee is held guilty of serious misconduct.

23. Dismissal is perceived as termination of employment by an employer against the will of the employee in contradistinction with the voluntary leaving or quitting of employment. In the context of the MEPS Rules, the expressions "removal" and "termination" (dismissal) may be used in the punitive order with same significance and effect. No distinction can be drawn between "termination" on proved charge

of serious misconduct and dismissal from service. We are not persuaded to accept the submission of Mr. Akhilesh Potnis that the punishment of “dismissal” is not envisaged, and as a sequitur, the dismissal of the petitioner must be construed as plain and simple termination which has the effect of snapping the employer-employee relationship.

24. Mr. Akhilesh Potnis invites our attention to the decision of ***Vijay Singh Vs. State of Uttar Pradesh and ors. [(2012) 5 SCC 242]*** in support of the submission that punishment which is not prescribed under the statutory rules cannot be imposed. The factual matrix was that while Vijay Singh was posted as Sub Inspector of Police at Moth Police Station, a show cause notice was issued to Vijay Singh as to why his integrity certificate for the year 2010 be not withheld since he committed certain errors in the investigation of crime registered against Sahab Singh Yadav. The service rules did not envisage the punishment of withholding of the integrity certificate. It is in the backdrop of such facts, that the Hon'ble Supreme Court held that the punishment of withholding of the integrity certificate is not prescribed, and is illegal.

25. In our considered view, the reliance placed by

Mr. Akhilesh Potnis on the decision in case of **Vijay Singh** is clearly misconceived. The MEPS Rules do provide the punishment of termination and as observed supra, no distinction can be drawn between termination and dismissal for proved misconduct of serious nature.

26. Rule 62(6) of the Pension Rules cannot be read in isolation. The said rule must be read and understood conjointly with Rules 19, 26, 27 and 101 of the Pension Rules.

27. Rule 19 provides for removal or compulsory retirement from service for misconduct, insolvency or inefficiency. Rule 19 reads thus :

***“19 : Removal or compulsory retirement from service
for misconduct insolvency or inefficiency :***

A competent authority may remove any Government servant subject to these rules from Government service, or may require him to retire from it, on the ground of misconduct, insolvency or inefficiency :

Provided that before any such order is issued, the procedure referred to in rules 8 to 15 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, shall be followed :

Note 1 – *In the case of police Officers of Subordinate ranks a competent authority in the Police Department can exercise his discretion under this rule after observing the procedure laid down in Chapter XIII*

of the Bombay Police Manual, 1959. Volume I and Section 26 of the Bombay Police Act, 1961.

Note 2 - *Except where it is expressly stated otherwise, 'removal' includes the case of a government servant who has been asked to retire under this rule."*

Rule 19 is part of Chapter III which deals with retirement. Chapter III comprises Rules 10 to 19. Rule 10 provides for the age of retirement. Sub-rule (10) provides that notwithstanding anything contained in sub-rules (1) and (2) of Rule 10, the appropriate authority may compulsorily retire an employee subject to the conditions envisaged in the said sub-rule.

28. Rule 19, which we have extracted supra, obligates the Government to follow the procedure referred to in Rules 8 to 15 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 ('Discipline and Appeal Rules' for short), if any Government servant is to be removed or compulsorily retired on the ground of misconduct, insolvency or inefficiency. Rule 5 of the Discipline and Appeal Rules reads thus :

"5. Penalties

[(1) Without prejudice to the provisions of any law for the time being in force, the following penalties may, for good and sufficient reasons and as hereinafter, provided, be imposed on a Government servant, namely :-

Minor Penalties -

- (i) Censure;*
- (ii) Withholding of his promotion;*
- (iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to Government, by negligence or breach of orders;*
- (iv) Withholding of increments of pay;*

Major Penalties -

- (v) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;*
- (vi) reduction to a lower time-scale of pay, grade, post or service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post, or service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period, -*
 - (a) the period of reduction to time-scale of pay, grade, post or service shall operate to future increments of his pay, and if so, to what extent; and,*
 - (b) the Government servant shall regain his original seniority in the higher time-scale of pay, grade, post or service;*
- (vii) compulsory retirement;*
- (viii) removal from Service which shall not be a disqualification for future employment under Government;*
- (ix) dismissal from Service which shall ordinarily be a disqualification for future employment under Government: Provided that, in every case in which the charge of acceptance from any person of any gratification, other than*

legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or (ix) shall be imposed :

Provided further that, in any exceptional case and for special reasons to be recorded in writing, any other penalty may be imposed.

Explanation. - *The following shall not amount to a penalty within the meaning of this rule, namely :-*

(i) *withholding of increments of pay of a Government servant for his failure to pass any Departmental examination or the Hindi and Marathi language examination in accordance with the rules or orders governing the service to which he belongs or post which he holds or the terms of his appointment;*

(ii) *stoppage of a Government servant at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;*

(iii) *non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible, on administrative ground unconnected with his conduct;*

(iv) *reversion of a Government servant officiating in a higher service, grade or post to a lower service, grade or post, on the ground that he is considered to be unsuitable for such higher service, grade or post or on any administrative ground unconnected with his conduct;*

(v) *reversion of a Government servant appointed on probation to any other service, grade or post, to his permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;*

(vi) *replacement of the services of a Government servant, whose services had been borrowed from any*

Government in India or any authority under its control, at the disposal of such Government or authority;

(vii) compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;

(viii) termination of the services, -

(a) of a Government servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or

(b) of a temporary Government servant on grounds unconnected with his conduct; or

(c) of a Government servant employed under an agreement, in accordance with the terms of such agreement;

(ix) any compensation awarded on the recommendation of the Complaints Committee referred to in the proviso to sub-rule (2) of the rule 8 and established in the Department of the Government for inquiring into any complaint of sexual harassment within the meaning of rule 22A of the Maharashtra Civil Services (Conduct) Rules, 1979.]

(2) Where a penalty mentioned in item (v) or (vi) in sub-rule(1) is imposed on a Government servant, the authority imposing the penalty shall expressly state in the order imposing the penalty that the period for which the reduction is to be effective will be exclusive of any interval spent on leave before the period is completed.”

29. Rule 5 classifies the penalties into minor and major. Pertinently, amongst the major penalties prescribed is compulsory retirement, removal from service which shall not be a disqualification

for future employment under the Government and dismissal from service which shall ordinarily be disqualification for future employment under the Government. Rules 8 to 15 provide for the procedure of imposing minor and major penalties.

30. Rule 62(6), which according to Mr. Akhilesh Potnis, is not appreciated by the authorities, must be understood and interpreted on the touchstone of the provisions of Rule 19 of the Pension Rules and the relevant provisions of the Discipline and Appeal Rules. Removal from service which shall not be a disqualification for future employment under the Government is a penalty which is envisaged under Rule 5 of the Discipline and Appeal Rules. It is open for the Government to, even in case of proved misconduct of serious nature, to direct removal from service which shall not be a disqualification for future employment under the Government instead of imposing the punishment of dismissal from service which shall ordinarily be disqualification for future employment under the Government.

31. Rule 62(6) refers to the removal from service, which is a separate penalty provided under the Discipline and Appeal Rules, and which removal is not an impediment in the employee seeking future employment under the Government. Any other view of the matter,

shall do violence to the statutory scheme.

32. Rule 101 again makes a distinction between removal and dismissal. Sub-rule (1) provides that while ordinarily, even a removed Government Servant shall forfeit pension and gratuity, in cases deserving of special consideration, compassionate pension not exceeding 2/3 of pension or gratuity or both may be sanctioned.

33. Rule 101(1) clearly refers to the removal of service under Rule 19. Sub-rule (3) of Rule 101 mandates that a dismissed Government servant shall not be eligible for compassionate pension. We have noted supra that the Discipline and Appeal Rules envisage different penalties. Removal from service without affecting the chances of future employment under the Government is one of the penalties prescribed, in contradistinction with the penalty of dismissal which renders the Government servant ineligible for future employment under the Government.

34. We have already noted, that even if the removal of the Government employee is under Rule 19, the normal rule is that the employee forfeits pension and gratuity, and it is only in cases deserving of special consideration, that there is an enabling power to

sanction compassionate pension. In contradistinction, a dismissed Government servant is not eligible for compassionate pension.

35. The choice of the expression by the employer pales into insignificance. Unlike the Discipline and Appeal Rules, the MEPS Rules do not envisage the removal, termination or dismissal as separate and independent penalties. There is no special significance to the expression removal or termination or dismissal in the context of the major penalty prescribed. In our considered view, an employee, who is terminated on proven charge constituting serious misconduct, is a dismissed employee, who is ineligible to compassionate pension under Rule 101(3) of the Pension Rules and the authority is absolutely right in the view taken.

36. The submission (iii) that the petitioner is a destitute and is entitled to compassionate pension, need not detain us. In the absence of any right to compassionate pension under the statutory rules, in writ jurisdiction, we cannot, and will not, consider granting such relief on humanitarian or sympathetic considerations. Wide as writ jurisdiction is, the statutory provisions cannot be ignored, and in a sense diluted, if not nullified.

37. We see no reason to interfere in writ jurisdiction. The petition is dismissed with no order as to costs.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

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