

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

WRIT PETITION NO.905/2022

Jitendra S/o Bhaskar Padhal,
aged about 30 Yrs., Occ. Service,
R/o Zinguji Ward, Near Old Bus
Stop, Tq. Bhadrawati, Dist. Chandrapur. ... Petitioner

- Versus -

1. State of Maharashtra,
through its Principal Secretary,
Dept. of Home Affairs IX Floor New
Administrative Building Opposite
Mantralaya, Mumbai 400 032.
2. Commandant General Home Guard
& Director Civil Defence,
Old Secretariat, Annexe Building,
1st Floor, M.G. Road Near
Elphinstone College, Fort Mumbai,
400 032.
3. District Commandant Home Guard,
Chandrapur.
4. Incharge Office Home Guard,
Bhadrawati,
5. Superintendent of Police,
Chandrapur. ... Respondents

Mr. Rohit Masurkar, counsel for the Petitioner.
Mr. N.S. Rao, Assistant Government Pleader for Respondents 1 &
5.

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

DATE : 17.4.2023

ORAL JUDGMENT (Per Rohit B. Deo, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The petitioner is assailing the order of termination dated 8.2.2017 issued by respondent 4.

3. Facts lie in an extremely narrow compass.

4. The petitioner was appointed as Home Guard in the year 2013.

5. In 2016 some complaint was lodged at a police station, which was treated as non-cognizable.

6. It is only on the basis of the complaint which is treated as non-cognizable, that the petitioner is terminated vide order impugned.

7. We note that in the year 2019 the petitioner did produce certificate to the effect that there is no criminal case pending. We are not even required to delve deeper in the aspect of breach of the principles of natural justice although it does not appear that the petitioner was heard or that any formal enquiry as such was conducted.

8. We are more than satisfied that the petitioner could not have been terminated on the ground that some private individual filed some complaint which the police treated as non-cognizable.

9. The order impugned is clearly arbitrary and cannot be sustained even for a moment.

10. We quash the order of termination and direct that the petitioner shall be entitled to reinstatement with continuity in service and other consequential benefits including back wages.

11. The compliance shall be done within six weeks from the date this order is uploaded on the High Court website.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

Tambaskar.

Signed By: NILESH VILASRAO
TAMBASKAR

Private Secretary
Date: 20.04.2023 11:49