



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

Writ Petition No. 8687 OF 2024

1. The State of Maharashtra,  
Through Principal Secretary,  
Food, Civil Supplies and Consumer  
Protection Department,  
Maharashtra State, Mantralaya,  
Mumbai – 32.
2. The Divisional Commissioner,  
Nashik, Divisional Commissionerate,  
Nashik Division, Nashik,  
(Supply Branch), Central,  
Administrative Building,  
Opp. Bharat Pratibhuti Mudranalaya,  
Nashik Road, Tq. & Dist. Nashik.
3. The District Supply Officer,  
Ahmednagar,  
Collector Office, GPO Road,  
Hatampura, Ahmednagar.
4. The Tahasildar Shevgaon,  
Tahsil Office, Shevgaon,  
Dist. Ahmednagar.

**...Petitioners**

**Versus**

Pawansing s/o Ratansing Bighot  
Age : 25 years, Occu: Nil,  
R/o : At Ekbhurji Waghalgaon,  
Post Ranjangaon (Pol),  
Tq. Gangapur, Dist. Aurangabad.

**...Respondent**

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Mr. V.M. Kagne, AGP for the Petitioners/State.

Mr. Avinash S. Deshmukh, Advocate for Respondent.

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**CORAM : MANGESH S. PATIL &  
SHAILESH P. BRAHME, JJ..**  
**DATE : 10 OCTOBER 2024**

**FINAL ORDER** [Per: Shailesh P. Brahme, J.] :

. Heard learned AGP Mr. V.M. Kagne and Mr. A.S. Deshmukh for the respondents.

2. The petitioner is challenging judgment and order dated 02.05.2024 passed by the learned Members of Maharashtra Administrative Tribunal. The respondent had filed Original Application No.608/2021 challenging the termination of his services vide order dated 07.01.2021 and further order dated 24.02.2023 passed by the Appellate Authority confirming earlier order.

3. The respondent was appointed as a Supply Inspector vide order dated 18.02.2019 on probation. He was found involved in offence bearing C.R. No.717/2016 registered with CIDCO police station under Section 420, 419 and 34 of the Indian Penal Code. He was issued with a show cause notice for suppressing information about his involvement in the offence. He tendered explanation. Thereafter memorandum of charge was served on him on 10.11.2020. An inquiry was conducted under Rule 8 of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. He was found guilty and thereafter by the impugned order, he was terminated.

4. It is the case of the respondent that there was no suppression on his part because neither the advertisement, nor the conditions stipulated in the appointment order contemplated disclosure and provided for the details of the criminal action pending against incumbent. The application which was submitted by him was not produced before the Tribunal. Without conducting full-fledged inquiry, he was terminated by a stigmatic order.

5. After hearing both sides, the tribunal allowed application by the impugned judgment and order holding that order of termination was stigmatic and could not have been passed without conducting regular inquiry by extending opportunity of hearing. There was no suppression of information by the respondent considering relevant conditions of advertisement. It is further held that respondent had disclosed his involvement in the offence in question. The petitioner did not produce before the tribunal online application, the attestation form disclosing his involvement in criminal case was also not produced. Thus the termination was found to be illegal and it was set aside.

6. Learned AGP submits that impugned judgment and order is perverse. Admittedly offence was registered against the petitioner. As per condition of the advertisement and the appointment order involvement in the offence was suppressed. It is submitted that the respondent was probationer and therefore full-fledged inquiry was not required to be undertaken.

The respondent was called upon to answer the allegation. After extending opportunity of hearing, he was terminated. The termination was even confirmed by the Appellate Authority. The impugned judgment and order is perverse as purport of condition no.(16) of the appointment order has not been considered.

7. Learned Counsel for the respondent submits that termination was stigmatic and therefore full-fledged inquiry should have been conducted. The tribunal is justified in holding that there was no suppression of the information. There is no perversity or patent illegality so as to upset impugned judgment and order.

8. We have gone through Clause No.32 of the advertisement as well as condition no.16 of the order of appointment. It was specifically pleaded in paragraph no.6(iii) that in online application submitted by the respondent, it was disclosed that he was implicated in offence C.R. No.717/2016. The petitioners did not produce online application on record. It is rightly recorded that there was no suppression of information, rather it was candid disclosure of information.

9. The petitioners failed to produce on record any attestation form to be filled in by incumbent while entering the services. No fault can be attributed to the respondents. No material is placed

on record to show that there was deliberate attempt of suppression of information in respect of involvement in criminal offence. We do not find any perversity or illegality in the findings.

10. The minutes of the inquiry and order of termination would disclose that the termination was for the misconduct. It is stigmatic, therefore it is rightly appreciated that without conducting full-fledged inquiry under Section 8 of Discipline and Appeal Rules, the respondent should not have been terminated.

11. It further reveals from record that in the meeting dated 22.12.2020 the District Level Committee had recommended to suspend the respondent and proposal to that effect was directed to be submitted. He was not suspended, but directly terminated from the services which is arbitrary and illegal.

12. It further transpires from record that it is not the case of the petitioners that any report was solicited from the police showing the involvement of the respondent in offence in question. In the absence of such report, action against the respondent is in itself violative of Clause No.32 of the advertisement as well as condition no.16 of order of appointment. There was no objective scrutiny. The tribunal is justified in passing impugned judgment and order.

13. We find no merit in the petition. Writ Petition is dismissed.

**SHAILESH P. BRAHME**  
**JUDGE**

**MANGESH S. PATIL**  
**JUDGE**

Najeeb..