



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

WRIT PETITION NO. 4318 OF 2024

(Vijay S/o Ganesh Chittari vs. Chief Secretary and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr.S.R.Narnaware, Advocate for the petitioner.
Mr.N.S.Rao, Assistant Government Pleader for the respondent
Nos.1 to 3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : AUGUST 27, 2024

Heard learned Counsel for the parties.

2) The petitioner was appointed on the post of Police Constable on 05/05/2012, however, his services came to be terminated vide termination order dated 10/09/2024 as his caste claim was rejected.

3) Mr.Narnaware, learned Counsel appearing for the petitioner would invite our attention to Clause 4.2 of the Government Resolution dated 21/12/2019, so as to claim that even if the petitioner's services are terminated on 10/09/2014, the aforesaid Clause of the said Government Resolution contemplates re-appointment on supernumerary post.

4) The prayer is opposed by Mr.Rao, learned Assistant Government Pleader on the ground of limitation as it is claimed that not only the services were terminated on 10/09/2014, but also the Government Resolution which is relied on by the petitioner was given effect to on 21/12/2019 and petitioner is approached this Court after the delay of six years.

5) Having appreciated the aforesaid submissions, we are required to be sensitive to the policy of the Government. In this background, the prayer of the petitioner, in our opinion, warrants consideration by the respondents in accordance with law and policy of the Government.

6) That being so, we deem it appropriate to dispose of the present petition by directing the respondent No.3 to consider the claim of the petitioner in the light of the Government Resolution dated 21/12/2019. The said Authority shall equally be sensitive to the issue of limitation as is raised by the learned Assistant Government Pleader. The decision taken on the claim of the petitioner be communicated to him within a period of four months from today.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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