



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

WRIT PETITION NO. 6485 of 2024

Suresh Ramkishor Sharnagat

vs.

State of Maharashtra and others.

Ms Aditi Y. Pardhi (Katre), Advocate for petitioner.

Mr J. Y. Ghurde, Assistant Government Pleader for respondent nos. 1 to 3.

CORAM :- NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 25th OCTOBER, 2024

P. C.

Heard.

2. It is borne out of record that the petitioner was appointed on contractual basis.

3. While working with the respondent, the petitioner in discharge of public duties sought gratification resulting into registration of Crime No. 337 of 2024 for an offence punishable under Section 7 of the Prevention of Corruption Act, 1988.

4. The petitioner thereafter was arrested and released on regular bail. The petitioner's services in these criminal background came to be terminated as such this petition.

5. Drawing support from the judgment of the Apex Court in the matter of *K. C. Joshi vs. Union of India and others [(1985) 3 SCC 153]* which is followed by the learned Single Judge of the Jammu and Kashmir and Ladakh High Court in the case of *Feroz Ahmed Sheikh and others vs. Union Territory of J & K through Commissioner/Secretary/Additional Chief Secretary, Industries & Commerce Department and others [2023 SCC Online J & K 1095]*, it is claimed that the services of the petitioner cannot be terminated without following due process of law.

6. Mr. Ghurde, learned Assistant Government Pleader appearing for the respondent-State has opposed the claim of the petitioner on the basis of status of contractual employment.

7. It can be borne out of the record that the petitioner caught red handed while accepting bribe of Rs.2,500/- towards illegal gratification in discharging public duties being a contractual employee with the respondent-Zilla Parishad. In this background, the petitioner was arrested and was subjected to custodial interrogation.

8. As far as the law laid down in the matter of *K.C.Joshi* (supra) is concerned, on facts it can be noticed that the petitioner in the said matter was in the permanent employment of the respondent and was not a contractual employee.

9. In such an eventuality, reliance placed on the aforesaid two decisions will be hardly of any assistance as the petitioner can not claim parity with that of permanent employee.

10. That being so, no case for interference in writ jurisdiction is made out. The writ petition fails and it is dismissed as such. No costs.

(VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.