

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9946 OF 2025

Nimbaji Jagannath Kakulate

.. Petitioner

Versus

The State Of Maharashtra

Through the Secretary Rural Development

Department and Ors.

.. Respondents

-
- Mr. Narendra Bandiwadekar, Senior Advocate a/w. Mr. Pradeep Gole and Mr. Suraj Shejwal, Advocates for Petitioner.
 - Mr. N. C. Walimbe, Addl. G.P. a/w. Ms. Aloka Nadkarni, AGP for Respondent Nos.1 and 2.
 - Ms. Chaitrali Deshmukh, Advocate for Respondent Nos.3 and 4.
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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 12, 2025

P.C.:

- 1.** Heard Mr. Bandiwadekar, learned Senior Advocate for Petitioner; Mr. Walimbe, learned Addl. G.P. for Respondent Nos.1 and 2 and Ms. Deshmukh, learned Advocate for Respondent Nos.3 and 4.
- 2.** On 21.07.2025, after hearing Mr. Bandiwadekar, the following order was passed:-

- “1. Heard Mr. Bandiwadekar, learned Senior Advocate for Petitioner.*
- 2. Termination of Petitioner by Chief Executive Officer of the Zilla Parishad by order dated 25.06.2018 (appended at page No. 71, Exh. “N” of Petition) has been upheld by the Appellate Court by order dated 15.11.2018 (appended at page No. 84, Exh. “Q” Of Petition) and further upheld in Revision by State by order dated 10.07.2019 (appended at page Nos. 87-93, Exh. “R” of Petition.)*
- 3. Petition is filed in the year 2025. Reasons for delay according to Mr. Bandiwadekar is that Criminal Proceedings were filed under the provisions of IPC, POCSO Act and Atrocities Act against the Petitioner in which Petitioner has been acquitted of the offences by order dated*

13.02.2024. That order is appended at page Nos. 94-121, Exh. "S" of Petition. He would submit that pursuant to that order Petitioner approached the Zilla Parishad with representation dated 15.05.2024 to which Zilla Parishad has replied by letter dated 24.09.2024 stating that as and when Revision shall be decided by the State, Zilla Parishad shall take appropriate action. Insofar as the Revision is concerned, same has already been decided on 10.07.2019. That was also pointed out to the Zilla Parishad but thereafter there is no response from the Zilla Parishad. The aforesaid facts are all delineated in the legal notice issued to the Zilla Parishad on 01.03.2025 by Advocate for Petitioner.

4. In view of the above, arguable case is made out by Mr. Bandiwadekar for issuance of notice. Hence issue notice to the Respondents made returnable on 04.08.2025. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve copy of the Petition along with copy of this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

5. Ms. Nadkarni, learned AGP waives service of Respondent Nos. 1 and 2.

6. Stand over to 4th August, 2025."

3. Today Ms. Deshmukh, learned Advocate appears for Respondent No.3 – Nasik Zilla Parishad. She would submit on instructions that Respondent No.3 – Zilla Parishad would like to file a Reply to the Petition.

4. Mr. Bandiwadekar reiterates its request which is noted by this Court in paragraph No.3 of the above order, *inter alia*, with respect to pending representation filed by Petitioner dated 15.05.2024 to Respondent No.3 – Nasik Zilla Parishad which is appended at page No.122 of the Writ Petition. Also appended at page No.126 of the Petition is Advocate's notice giving all details.

5. Though it is true that Revision has been decided but

considering the Representation which has been filed by Petitioner before Respondent No.3 – Zilla Parishad, I direct to Respondent No.3 – Nasik Zilla Parishad to take appropriate decision on the representation filed by Petitioner dated 15.05.2024 alongwith notice dated 01.03.2025 which is appended at page No.126 of the Writ Petition and decide the same appropriately in accordance with law.

6. Needless to state that all contentions of parties namely Petitioner and Respondent No.3 – Nasik Zilla Parishad are expressly kept open.

7. This Court has not given any imprimatur on any of issue of the merits of the matter.

8. Needless to further state that if the representation of the Petitioner is not considered by the Respondent No.3 – Nasik Zilla Parishad it shall be open to Petitioner to take appropriate steps as available in law including filing an appropriate Writ Petition since present Writ Petition is not decided on merits.

9. At request of Petitioner, Respondent No.3 – Zilla Parishad is directed by this Court to determine representation dated 15.05.2024 alongwith Advocate's notice dated 01.03.2025 within a period of six (6) weeks from today.

10. With the above directions, Writ Petition is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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