

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15071 OF 2025**

Seema Dadasaheb Kashid ... Petitioner
vs.
Brihanmumbai Municipal Corporation (BMC) ... Respondent

Mr. Rajesh A. Tekale for petitioner.
Mr. Santosh Parad for respondent-BMC.

**CORAM : MANISH PITALE, J.
DATE : 06th NOVEMBER, 2025**

P.C. :

- . Heard learned counsel for the petitioner.
2. The respondent-Brihanmumbai Municipal Corporation (BMC) has appeared through counsel.
3. This petition arises out of concurrent orders passed by the Labour Court and Industrial Court, rejecting interim relief to the petitioner in a complaint filed before the Labour Court, challenging a show cause notice dated 05.05.2025 issued by the respondent-BMC to the petitioner. As per the show cause notice, the petitioner was called upon to explain as to why the service of the petitioner should not be terminated, in the light of the sanction already granted for the said purpose by the competent authority of the respondent-BMC. The ground for issuing such show cause notice was the assertion on the part of the respondent-BMC that third child was born to the petitioner after 28.03.2006, despite an undertaking given at the time of securing employment on behalf of the petitioner that if third child was to be born after the said cut-off date, it would lead to the

petitioner being rendered disqualified for continuing in employment. The petitioner was employed as a clerk with the respondent-BMC.

4. The learned counsel for the petitioner has vehemently argued that although the Maharashtra Civil Services (Declaration of Small Family) Rules, 2005, on the basis of which the respondent-BMC has proceeded against the petitioner, are not specifically made applicable to the respondent-BMC, such drastic show cause notice was issued. According to the learned counsel for the petitioner, the Labour Court and Industrial Court failed to appreciate the crux of the contentions raised on behalf of the petitioner and the fact that a strong *prima facie* case was made out on her behalf for granting appropriate interim relief, so that the show cause notice would not have an adverse effect on the service of the petitioner.

5. The learned counsel for the petitioner fairly submitted that in the meanwhile, recently on 03.11.2025, the respondent-BMC issued an order terminating the service of the petitioner with effect from 04.11.2025.

6. The learned counsel for the respondent-BMC submits that there is no substance in the present petition, as both the orders are well-reasoned and in any case, with the service of the petitioner being terminated by order dated 03.11.2025, this writ petition as well as the complaint filed before the Labour Court, have been rendered infructuous.

7. There is no dispute about the fact that by the said order dated 03.11.2025, the service of the petitioner has been terminated from 04.11.2025.

8. This Court has perused the impugned orders passed by the Labour Court and Industrial Court. Both the orders are well-reasoned and a specific reference is made to the undertaking given by the petitioner, while securing appointment to the post of clerk, in pursuance of a specific clause in the advertisement dated 28.02.2014, pursuant to which recruitment was undertaken. The orders also referred to the Government Notification dated 28.03.2005 and Government Circular dated 01.07.2005, indicating the manner in which the undertaking was to be given on affidavit. There is no dispute about the fact that such an undertaking was indeed given by the petitioner, while securing appointment and there is also no dispute that the third child was born to the petitioner after the said cut-off date.

9. Although the petitioner may have an explanation as to why she had to complete the term of pregnancy and give birth to the third child, considering the reasons recorded in both the orders, this Court, in writ jurisdiction, is unable to find any fault in rejection of interim relief, pending the complaint of the petitioner.

10. In any case, with the recent subsequent development in the form of order dated 03.11.2025, terminating service of the petitioner with effect from 04.11.2025, the petitioner will have to take appropriate steps to challenge the said order.

11. In view of the above, the writ petition is dismissed.

12. Needless to say, the petitioner would be at liberty to take appropriate steps to challenge the order dated 03.11.2025 passed by

the respondent-BMC, in accordance with law. If such a challenge is indeed raised by the petitioner in accordance with law, the contentions raised in the pending complaint before the Labour Court can be reiterated on behalf of the petitioner.

(MANISH PITALE, J.)

Priya Kambli