



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

WRIT PETITION NO. 3509/2025

(PAWAN VITTHAL RATHOD **VERSUS** THE REGISTRAR (ADMINISTRATION), HON'BLE
BOMBAY HIGH COURT, NAGPUR BENCH, NAGPUR & ANOTHER)

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

Court's or Judge's order

Shri A.M. Sudame, counsel for the petitioner.
Mrs. R.S. Sirpurkar, counsel for the respondent no.1.
Shri S.M. Ghodeswar, Assistant Government Pleader for the respondent no.2.

CORAM : NITIN W. SAMBRE AND M.M. NERLIKAR, JJ.

DATE : JULY 15, 2025

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Heard learned counsel for the respective parties.

2. The challenge in the writ petition is to the order dated June 16, 2025 passed by the Registrar (Administration) of the respondent no.1 whereby the services of the petitioner, who was appointed as 'Staff Car Driver' on probation came to be discontinued. The petitioner has further prayed for direction to reinstate him by quashing the impugned order with back wages and all consequential benefits. The petitioner has also sought stay to the impugned order dated June 16, 2025.

3. The facts which led to the filing of the writ petition are as under:-

The petitioner belongs to 'Banjara' tribe which is recognized as de-notified tribe (Vimukta Jatis) in the State of Maharashtra. He has cleared his secondary and higher secondary examination. Pursuant to an advertisement dated June 18, 2024 for recruitment to the post of Staff Car Driver on the establishment of the respondent no.1-Bombay High Court, Bench at Nagpur, the petitioner submitted an application for selection and appointment *vide* his application form at Annexure-III. The petitioner was accordingly interviewed on September 30, 2024 and his name appeared in the list of successful candidates at Serial Number 6. The appointment order was issued on October 21, 2024 which was on the terms and conditions mentioned in the same. The appointment of the petitioner on the post of 'Staff Car Driver' was on probation for a period of two years. Accordingly, the petitioner joined his duties.

4. On May 19, 2025, the respondent no.1 issued a show cause notice to the petitioner alleging that he has suppressed the information of pendency of criminal offence proceedings against him. It was brought to his notice through the said show cause notice that Crime No.349 of 2024 for the offence punishable under Sections 324, 294, 504, 506 read with Section 34 of the Indian Penal Code was pending investigation with Pusad City Police Station.

5. The petitioner was served with the First Information Report dated May 28, 2024. Since the petitioner had suppressed the information regarding the registration of an offence against him, he was asked to explain as to why his services should not be discontinued for the said act. The petitioner submitted his explanation to the said show cause notice on May 30, 2025 and claimed that the said offence was arising out of matrimonial discord with his wife. According to him, he is neither convicted for any offence nor any trial was pending against him and therefore he was under impression that the said information was not required to be furnished to the Office. It is claimed that he had *bona fide* intention in not furnishing the aforesaid information as he had filled in the said form online through an Internet-Cafe operator. He has claimed that he has no knowledge about law. According to him, he was never arrested in the said offence and there is an agreement about settlement which has resulted into withdrawal of the aforesaid prosecution on September 05, 2024 pursuant to the order passed by the Judge presiding over the Court.

6. The respondent no.1 after considering the said explanation has formed an opinion that the petitioner has intentionally suppressed the information from the Authority and accordingly discontinued the services of the petitioner, which has led to the filing of the present writ petition.

7. Shri A.M. Sudame, learned counsel for the petitioner has made following submissions :-

A perusal of the First Information Report would depict that in a matrimonial case at the behest of the brother-in-law and estranged wife, the petitioner was falsely implicated. The complaint has never resulted into filing of a charge-sheet against the petitioner and there was no cognizance taken. According to him, the matrimonial discord led to the filing of matrimonial proceedings being H.M.P No.109 of 2024 on July 16, 2024 for divorce and the divorce by mutual consent was effected. He has drawn support from the judgment dated September 05, 2024 delivered in the aforesaid proceedings. Complainant brother-in-law Vivek Madhukar Chavhan has already given an affidavit that the offence being Crime No.349 of 2024 punishable under Section 294, 324, 504, 506 read with Section 34 which was arising out of matrimonial discord was based on the differences that arose between the petitioner and his wife. Our attention is invited to paragraphs 2 and 3 of the said affidavit wherein the complainant has agreed to appear on July 05, 2025 in the said matter and if so permissible, would compound the same.

As such, it was urged by the counsel for the petitioner that since the offence in question is trivial and non-serious in nature, the petitioner thought it fit not to disclose the same. However, the petitioner had no intention to suppress the same from the employer as it was only out of the aforesaid development.

8. The learned counsel for the petitioner would draw support from paragraphs 30 to 36 of the judgment of the Apex Court in *Avtar Singh Versus Union of India & Others* [(2016) 8 SCC 471] so as to claim that even if for the sake of arguments it was considered that there was a suppression, such suppression was in relation to a fact of hardly any gravity affecting his conduct in the employment. He would urge that even if the petitioner cannot claim unfettered right of appointment or continuity in service, however the Authority before effecting termination should have been sensitive to the objectivity having regard to the facts of the case. In addition to above, he would invite our attention to the Division Bench judgment of this Court in *Buddheshwar Versus Maharashtra State Electricity Distribution Company, Gondia & Others* [2023 SCC OnLine Bom 963] so as to claim that it is the complete discretion of the employer whether to terminate or continue the services of the employee and the employer can ignore the suppression of a fact depending on the related factors. As such, the learned counsel for the petitioner has sought for the quashing of the impugned order.

9. Mrs.R.S. Sirpurkar, learned counsel appearing for the respondent-Employer would submit that much water has flown after the Apex Court judgment in *Avatar Singh* (supra) and has drawn our attention to the subsequent position of law. According to her, the Court must be sensitive to the intention of the petitioner of suppressing the material fact from the employer when he is serving in the Institution like the High Court.

10. In above backdrop and having regard to the Apex Court judgment in *Avtar Singh* (supra), let there be notice to the respondents returnable on August 12, 2025.

11. Learned counsel Mrs.R.S. Sirpurkar waives service of notice for the respondent no.1.

12. Learned Assistant Government Pleader Shri S.M. Ghodeswar waives service of notice for the respondent no.2.

(M.M. NERLIKAR, J.)

(NITIN W. SAMBRE, J.)

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