



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 191 OF 2025

Balaji Vyankatrao Harnawal
Age : 25 years, Occ : Service,
R/o Sangam, Tq. Parli, Dist. Beed.

..PETITIONER

-VERSUS-

1. The State of Maharashtra,
Through its Secretary,
Power and Energy Department,
Mantralaya, Mumbai.
2. Maharashtra State Power
Generation Company Ltd.,
Astrela Batteries,
Expansion Compound Building,
Gound Floor, Labour Camp,
Dharavi Road, Matunga, Mumbai
Through its Managing Director.
3. The Chief Engineer,
Maharashtra State Power Generation
Company Ltd., Thermal Power Station,
Parali (Vaijanath),
Dist. Beed.
4. The Executive Engineer (T.M.),
Block No.1, Power Generation Company/
Thermal Power Station,
Parli Vaijnath, Dist. Beed.

..RESPONDENTS

...
Advocate for the Petitioner : Mr. Subhash V. Mundhe
AGP for Respondent/State : Mr.S.R. Wakle
Advocate for Respondent no.3 : Mr. Anil M. Gaikwad

...
**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.**

RESERVED ON : 9th APRIL, 2026.

PRONOUNCED ON : 21st APRIL, 2026

JUDGMENT (PER VAISHALI PATIL-JADHAV, J.)

. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

2. This petition takes exception to the communication dated 04.10.2024 issued by respondent no.3, thereby suspending the Advanced Skill Training of the petitioner and stopping his stipend.

3. The petitioner having completed I.T.I. course was selected for Advanced Skill Training at Parali Vajinath Thermal Power Station on 27.07.2015, from project affected person's category. Pursuant to the appointment order dated 14.02.2018, he joined the training. While on training the petitioner's uncle Pradip Shivaji Harnawal lodged a complaint against the petitioner and his family members under Sections 118(2), 117(1), 189(2), 191(2), 191(3), 190, 351(2) and 351(3) of B.N.S. at Rural Police Station, Parali, which is registered as C.R. No.0238/2024 on 20.08.2024.

4. On 30.09.2024, the petitioner's uncle addressed communication to respondent No.3 informing that on 20.08.2024, C.R. No.0238/2024 is registered against the petitioner for commission of serious offences under Sections 118(2), 117(1), 189(2), 191(2), 191(3), 190, 351(2) and 351(3) of B.N.S., therefore, as per Administrative Circular No.554 dated 30.08.2024, the petitioner's name should be deleted from the list of trainees. After receipt of the said communication, respondent no.3 has passed the impugned order. Hence, the petition.

5. Learned Advocate for the petitioner would submit that the petitioner has completed his training and he is entitled to get permanent job with respondent no.3. Only with a view to deprive the petitioner from getting permanent job, his name is implicated in the crime by his uncle. He submits that there is a long standing dispute about landed property between the family of the petitioner and the uncle's family. However, the petitioner has not taken part in the alleged incident reported by his uncle.

6. Learned Advocate for the respondents has strenuously opposed the petition by relying upon the affidavit-in-reply and submitted that the petitioner is not in regular employment and he is merely a trainee. His training is governed by the administrative circulars issued by the respondents from time to time. It is further submitted that the Administrative Circulars issued from time to time categorically stipulate that the trainees must maintain good conduct throughout the training period, and that any act amounting to violation thereof, including the institution of a criminal case, would result in automatic suspension of Advanced Skill Training and stopping the stipend.

He further pointed out that the Administrative Circular No.554 dated 30.08.2024 also reaffirms the said condition and clearly provides that upon registration of criminal case against such trainee, there will be automatic stoppage of Advanced Skill Training or keeping in abeyance of the training till the decision of the criminal case.

As there was offence registered against the petitioner,

hence in strict adherence to the scheme conditions, which were voluntarily accepted by the petitioner at the time of joining of the training, the impugned order was issued and thus, there is no illegality, arbitrariness or violation of natural justice in the impugned order, rather, it is a necessary consequence of the petitioner's own indulgence in criminal activity and is in accordance with the applicable rules and administrative instructions.

7. Learned A.G.P has adopted the arguments of learned Advocate for the respondents.

8. Heard the learned Advocate for the petitioner, learned A.G.P for the respondent - State and learned Advocate for respondent no.3, at length. Perused the documents annexed to the petition and the circulars so also the reply filed by respondent nos.2 to 4.

9. The only reason mentioned in the impugned communication is that uncle of the petitioner had informed by letter dated 30.09.2024 about the registration of F.I.R. and the petitioner's Advanced Skill Training be stopped in accordance with the circular dated 30.08.2024, which provides for automatic stoppage or keeping in abeyance of the training, once the crime is registered against the trainee.

10. Admittedly, the petitioner has completed seven years of Advanced Skill Training and he has become eligible for permanent employment, pursuant to the advertisement issued by the respondent authorities. Taking into consideration civil dispute between the family of the petitioner and his uncle's family over partition of the ancestral

property, it appears that the name of the petitioner is implicated in the crime by his uncle so as to deprive him of the opportunity to secure permanent service with respondents. This impression is fortified by the fact that the petitioner's uncle has complained to respondent no.3 by pointing out the Administrative Circular dated 30.08.2024 to claim that the petitioner's name should be deleted from the list of trainees.

11. The fact remains that though Crime No.0238/2024 is registered against the petitioner, the petitioner is not yet convicted. It is settled principle of criminal jurisprudence that every person is innocent till he is held guilty. Therefore, merely because the offence is registered against the petitioner, that cannot be a ground to stop the training of the petitioner.

12. Learned Advocate for respondent nos.2 to 4 relied upon the subsequent policy/guidelines issued on 30.08.2024 by the respondents to justify the impugned communication. The offence is registered on 20.08.2024 and these guidelines are issued subsequently, hence those are not applicable to the case of the petitioner. Petitioner was never arrested after registration of F.I.R.

13. For aforesaid reasons, the impugned communication cannot be sustained and the same is hereby quashed and set aside. The respondents shall permit the petitioner to resume his training.

14. Rule is made absolute in the above terms. Writ Petition stands disposed of.

(VAISHALI PATIL-JADHAV,J.)

(NITIN B. SURYAWANSHI,J.)