

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12750 OF 2025

Sanket Mohan Gharat

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Dr. Abhinav Chandrachud a/w Mr. Saurabh Pakale, Mr. Nilesh Desai
i/by Padmaja Malgaonkar for the Petitioner.

Mr. Karan S. Thorat, B Panel Counsel, for the Respondent No. 1.

Mr. R.S. Apte, Senior Counsel a/w Mr. Jagdish G. Aradwad (Reddy)
for the Respondent Nos. 2 and 3.

CORAM : R.I. CHAGLA J
M.M. SATHAYE, J

DATE : 16 April 2026

ORDER :

1. Rule. Rule made returnable forthwith.

2. Heard by consent of the parties.

3. By this Writ Petition, the Petitioner is seeking quashing
and setting aside of the impugned order dated 26th September 2025

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passed by Respondent No. 3 as well as the order / direction by Respondent No. 1 dated 26th September 2025.

4. Having heard the learned Counsel for the parties, it appears that the issuance of the impugned order dated 26th September 2025, which is preceded by the direction of Respondent No. 1 dated 26th September 2025, by which the Petitioner's service as Chief Executive Officer (Managing Director) has been brought to an end, is without following the principles of natural justice.

5. An advertisement had been published by the Respondent No. 2 - Company on 20th January 2021 for the post of Chief Executive Officer (Managing Director) of Respondent No. 2 – Company. The Petitioner had in response to the subject advertisement applied for the said post on 22nd January 2021. The Petitioner was called for interview in the month of July 2021. Finally, a total of 2 candidates including the Petitioner were selected. The said post was thereafter, offered to the Petitioner on 20th September 2021 and an appointment order was issued on that date. The appointment being for initial period of five years.

6. Further, the said appointment was approved by the Board of Directors of Respondent No. 2 – Company at its 34th meeting held on 12th October 2021.

7. Accordingly, the Petitioner joined the said post. The Petitioner has thereafter successfully discharged his duties as Chief Executive Officer (Managing Director) of Respondent No. 2 – Company for over a period of four years. The impugned order was passed by Respondent No. 3 on 26th September 2025 terminating the services of the Petitioner upon the direction issued by Respondent No. 1 on the same date. Being aggrieved by the impugned order, the present Petition has been filed.

8. The Respondent Nos. 2 and 3 in their Affidavit in Reply dated 10th October 2025 has referred to complaints received against the Petitioner about his illegal appointment as Chief Executive Officer (CEO), STEM. There is mention of complaints against the Petitioner about the illegalities done in the functioning of the CEO, STEM. The Respondent Nos. 2 and 3 have stated that pursuant to the complaints, the Water Supply & Sanitation Department of the Government of Maharashtra had constituted an Inquiry Committee by order dated

15th October 2024. Based upon the inquiry conducted and the *prima facie* findings of the Committee in the Minutes of Meeting held on 13th February 2025, the impugned order had been issued by Respondent No. 3, for the terminating the services of the Petitioner pursuant to the directions of the Respondent No. 1 – State Water Supply and Sanitation Department.

9. There is an Affidavit also filed by Respondent No. 1, in which Respondent No. 1 at paragraph 8 states that the Petitioner's selection had been made under the erroneous impression that the Petitioner fulfills requisite qualification as per the subject advertisement. Reference is made to Clause 'b' of the advertisement, which stipulates minimum required experience of eight years, whereas the Petitioner's experience is stated to be six years. It is stated that in view thereof, the impugned order dated 26th September 2025 was issued by the Under Secretary, Water Supply and Sanitation Department upon the instructions of the Principal Secretary.

10. Dr. Abhinav Chandrachud, the learned Counsel for the for the Petitioner, has referred to the subject advertisement. The

Eligibility Criteria mentioned therein states as under :

“A. Bachelor of Engineering (Civil / Mech. / Elec. / Environmental OR Equivalent) from Recognized University.

B. Experience on Equivalent post in Govt. / Semi Govt. organization or on the post in Govt. / Semi Govt. having very senior executive level, which is not below the rank / status of Class I

OR

8 (Eight) years experience on post at very high, Senior level equivalent executive position in either Public Limited Company / Big Private Limited Company.”

C.”

11. Dr. Chandrachud has submitted that the eight years experience on the post at very high, Senior level equivalent executive position in either Public Limited Company / Big Private Limited Company is in the alternative and does not apply to the eligibility criteria in ‘A’ and ‘B’ extracted above. He has submitted that this has been lost sight of by the Principal Secretary of the Water Supply and Sanitation Department on whose instructions, the Under Secretary has issued the direction which forms the bases of the impugned order passed by Respondent No. 3 terminating the services of the Petitioner.

12. Dr. Chandrachud has further submitted that the impugned order has been erroneously passed by Respondent No. 3 pursuant to the directions of the Under Secretary, Water Supply and Sanitation Department upon the instructions of the Principal Secretary and not by the Board of the Respondent No. 2 – Company.

13. Having considered the submissions, we are of the view that the impugned order has been passed in violation of principles of natural justice as it has been passed without affording an opportunity to the Petitioner to represent his case and/or respond to the Inquiry Committee findings which forms the basis of the impugned direction issued by the Respondent No.1 - State Water Supply and Sanitation Department pursuant to which Respondent No. 3 has passed the impugned order.

14. We accordingly, allow the present Petition by quashing and setting aside the impugned order dated 26th September 2025 (Exh.A to the Petition) passed by the Respondent No. 3 as well as the orders / direction issued by Respondent No. 1 on 26th September 2025 (Exh.B to the Petition).

15. The matter is remanded back for *de novo* determination on the issue as to whether the services of the Petitioner as Chief Executive Officer of the Respondent No. 2 Company is required to be terminated. The Board of Respondent No. 2 - Company shall issue Show Cause Notice, enclosing the findings of Inquiry Committee and order dated 15th October 2024 constituting the Committee, to the Petitioner and the Petitioner shall be granted opportunity to represent his case including by filing Reply to the Show Cause Notice as well as claiming sustenance allowance for the period of termination. Upon being heard, a fresh reasoned order shall be passed by the Board of Respondent No. 2 – Company in accordance with law within a period of twelve weeks from the date of uploading of this order.

16. In the event, the fresh reasoned order passed by the Board of Respondent No. 2 – Company is adverse to the Petitioner, the Petitioner is at liberty to adopt appropriate proceedings in accordance with law.

17. Further, in the event the fresh reasoned order is in favour of the Petitioner, the Petitioner is entitled to claim compensation from

Respondent No. 2 – Company for the period during which the Petitioner has not been reinstated in the post of Chief Executive Officer of the Respondent No. 2 – Company and which shall be considered by the Respondent No. 2 – Company on its own merits.

18. The interim order dated 29th September 2025, which directed that the post of Chief Executive Officer (Managing Director) in Respondent No. 2 – Company shall not be filled in, shall continue till the fresh reasoned order is passed by the Board of Respondent No. 2 – Company and for an additional period of two weeks therefrom.

19. It is made clear that the interim order, which has been continued, shall in no event continue after 20th September 2026.

20. It is further made clear that we have not gone into the merits of the present Writ Petition.

21. The rights and contentions of the parties are expressly kept open.

22. The Writ Petition is disposed of in the above terms. There shall be no order as to costs.

[M.M. SATHAYE, J.]

[R.I. CHAGLA J.]