



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2684 OF 2026

1. Namdeo Mahadeo Kirnapure,
Age: 57 years., Occ: Junior Assistant,
R/o. At. Injewari Ta. Armori
Dist. Gadchiroli

... PETITIONER

...VERSUS...

1. The Chief Executive Officer,
Zilla Parishad, Gadchiroli,
2. The Additional Commissioner,
Nagpur Division, Nagpur,

...RESPONDENTS

Mr. P. S. Kshirsagar, Advocate for the petitioner.
Ms. H. S. Dhande, AGP for the respondent(s)/State.

CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.

DATED : 02nd APRIL, 2026.

ORAL JUDGMENT (NANDESH S. DESHPANDE, J.)

1. **Rule.** Rule is made returnable forthwith.
2. In view of the directions proposed to be issued, notice to the

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respondent no. 1 is dispensed with.

3. Learned AGP appears for the respondent no. 2.

4. The facts as stated in the petitioner are as under:-

a) The petitioner who was working as a Junior Assistant Teacher with the respondent no. 1 was dismissed from the service on 12.11.2021 pursuant to a departmental enquiry on allegations of misappropriation of funds. This prompted the petitioner to challenge the said dismissal by filing an appeal before the respondent no. 2.

b) On 10.03.2025, the respondent no. 2 allowed the appeal and quashed the order of dismissal thereby relegating the matter again to the respondent no. 1.

c) On 11.07.2025, a criminal prosecution which was lodged against the petitioner on the same set of facts bearing Regular Criminal Case No. 31/2018 for offences punishable under Sections 409, 467, 468, 471, 420, 380, 201, read with 167 of the Indian Penal Code, 1860, resulted in acquittal by the Court of Judicial Magistrate First Class, Kurkheda, District Gadchiroli.

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5. It is the contention of the petitioner that, in spite of the fact that the Divisional Commissioner relegated the matter to the respondent no. 1, and more particularly in view of the fact that the petitioner has been acquitted of the criminal charge by the Judicial Magistrate, no action has been taken by the respondent no. 1 to reinstate the petitioner to his original post, thereby resulting in non-compliance with the order. He further submits that, vide representation dated 03.09.2025, he has brought these facts to the notice of the respondent no. 1, but nothing has been done on the said representation.

6. In this set of facts, we are of the considered opinion that the petition can be disposed of with a direction to the respondent no. 1 to decide the representation dated 03.09.2025 preferred by the petitioner to him by taking into consideration fact of the respondent no. 2, the Divisional Commissioner, having relegated the matter to the said authority, as well as the fact of acquittal of the petitioner in criminal charges.

7. Needless to mention that the respondent no. 1 to give opportunity of issue notice to the petitioner herein and would give

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opportunity to file certain material on record as desired by the petitioner and then pass the order in accordance with law. The said exercise to be completed till 31.05.2026, in view of the fact that the petitioner is due for superannuation on 31.08.2026.

8. We further direct the respondent no. 1 to communicate the said order forthwith after carrying out the exercise as stated above.

9. With these directions the petition is disposed of with no order as to costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)