

PRAMOD LAHUDAS MESHAM

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v.

STATE OF MAHARASHTRA AND ORS.

SEPTEMBER 11, 1996

[K. RAMASWAMY, FAIZAN UDDIN AND G.B. PATTANAIK, JJ.]

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*Service Law :*

*Selection—Post of Oversear/Junior Engineer (Civil Engineering)—Advertisement—On the basis of recommendation letter from Member-Secretary 3 candidates appointed on probation for one year—Services of the said candidates terminated on the basis that the earlier letters carried unauthorised recommendations—Writ Petition filed in High Court challenging the termination orders dismissed—Or appeal held the letters of recommendation were not authorised and according to rules—Therefore the cancellation of the said appointments could not be found fault with—State Government directed to refer the matter to appropriate State CID enquiry to make an independent investigation into the matter and to find out as to who were responsible for such malpractice and to launch appropriate criminal prosecution against the culprits.*

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CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)  
No. 19775 of 1996.

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From the Judgment and Order dated 6.3.96 of the Bombay High Court in W.P. No. 885 of 1993.

A.K. Sanghi and S.V. Deshpande for the appearing parties.

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The following Order of the Court was delivered :

Delay condoned.

The petitioner complains that he being a qualified candidate with Diploma in Engineering and Secondary Education had applied for the post of Oversear/Junior Engineer (Civil Engineering) as per the advertisement dated April 30, 1991 published in daily 'Tarun Bharat' on May 2, 1991. The advertisement indicated that of the 3 posts, two were reserved for backward classes and one was for general candidates. Petitioner being a

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- A reserved class, hailing from the Scheduled Caste, received letter of appointments from the Chief Executive Officer, Zilla Parishad, Gadchiroli; in letter No. PWB/Estt-I/1108/1/93 dated March 31, 1993 it was stated that a recommendation had been made by Member Secretary, Regional Subordinate Service Selection Board, Nagpur in their letter No. RSB/Nag/1210/M-792/PS-1/92 dated June 15, 1992 that 3 candidates were selected. The names had been repeated and as regards the petitioner, his recommendation letter No. RSB/Nag/1160/M-792/1992/PS-I dated July 31, 1992/7.8.92 was said to be issued by the Member Secretary selecting the petitioner as Junior Engineer (Civil). Pursuant thereto, he came to be appointed as a Junior Engineer with probation for one year. After completion of nine months service, he received the letter dated November 16, 1992 stating therein that the above letters carried unauthorised recommendations; therefore, the services of the petitioner were terminated. The order of the Chief Executive Officer, Zilla Parishad, Gadchiroli was impugned by the petitioner and others in the W.P. No. 885/93 in the High Court of Bombay, Nagpur Bench claiming that they had been regularly appointed to the posts which were advertised; therefore, their services could not be terminated during the probation period without affording opportunity of hearing in the enquiry. The High Court has dismissed the writ petition. Thus, this special leave petition.
- E Shri A.K. Sanghi, learned counsel for the petitioners has contended that when the posts were advertised and the candidates were found eligible, it does not mandate that there should be an interview and selection. Obviously, the Service Selection Board having found the petitioner to be eligible and qualified, recommended him and was accordingly appointed as Junior Engineer, when it was sought to be cancelled on a letter written by Member Secretary of the Service Selection Board, they are entitled to be heard. No such opportunity has ever been given before cancellation of their appointments. It was, therefore, violative of principles of natural justice. We find no force in the contention. It is seen that on their own admission they have merely applied for the post pursuant to an advertisement made for the selection. It is the case of the Selection Board that a regular selection has to be made and selecting the eligible candidates, recommendation for appointment would be made. Therefore, the letter can be said to have conveyed that the recommendations were not authorised and according to the rules; such being the admitted position, we do not find any fault to cancel the appointments. Under those circumstances, we

do not find any illegality in the action taken by the respondents. However, such things will not be permitted to be kept under the carpet. The State Government is directed to refer the matter to the appropriate State CBI enquiry and the concerned Inspector would make an independent investigation into the matter to find out as to who were responsible for such mal- practice committed and it will be open to take appropriate criminal prosecution launched against the culprits.

The SLP is dismissed. This order to be communicated to the D.G.P., Maharashtra.

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Petition dismissed.