

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.493 OF 2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.S.Deshpande, advocate for the petitioner.
Mr.S.R.Palnitkar, Asstt. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**
Date : 14.01.2015.

PER COURT :

1. Heard.
2. The petitioner is assailing the order of suspension passed by the Education Officer. Mr.Deshpande, learned counsel submits that in fact, the impugned order is passed by the Chief Executive Officer. Though the order shows that it is passed by the Education Officer, the same is under the delegated powers delegated by the Chief Executive Officer. In view of Rule 12(2) of the Maharashtra Zilla Parishads District Services (Discipline and Appeal) Rules, no appeal is provided. The learned counsel relies on the order passed by this Court dated 8.7.2014 in W.P.No.6502/2013.
3. The order is passed by the Education Officer. Rule 12(1) of

the Maharashtra Zilla Parishads District Services (Discipline and Appeal) Rules, states that a Parishad servant against whom an order of suspension is made or is deemed to have been made by an authority other than the Chief Executive Officer, may appeal against such order to the Executive Officer.

4. In the present case, the order is passed by the Education Officer i.e. the Officer other than the Chief Executive Officer. As such, the appeal would be tenable before the Chief Executive Officer.

5. As far as order in W.P.No.6502/2013 is concerned, the same was passed in the facts of the case, wherein the order of suspension was stayed one year back and for more than a year no Departmental Inquiry was initiated. In light of that, the order was quashed and the Respondent was allowed to proceed further in case the Management decides to proceed further with the Inquiry. The said order of suspension was not under Rule 3 of the Maharashtra Zilla Parishads District Services (Discipline and Appeal) Rules but was under the provisions of the MEPS Rules.

6. In MEPS Rules, no appeal is provided. In light of that, the Writ Petition is disposed of with liberty to the petitioner to avail

alternate remedy.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..14.01.2015.
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