

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1773 OF 2015

Kondubai Purbhaji Khating .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Vilas M. Humbe, Advocate for the Petitioner.

Smt. S. A. Dhumal, A.G.P. for the Respondent No. 1.

Shri S. R. Yadav, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 16TH FEBRUARY, 2015.

PER COURT :

. Mr. Humbe, the learned counsel submits that, no departmental enquiry has been conducted. The petitioner has also filed an appeal before this Court against the order of conviction imparted by the Additional Sessions Court under the provisions of Sec. 7, 13(1)(d) read with Sec. 13 of the Prevention of Corruption Act and sentence is suspended. As such, the impugned show cause notice is illegal.

2. The learned counsel for respondent Nos. 2 and 3 submits that, it is only the show cause notice that has been issued and further decision would be taken after getting reply to the show

cause notice in accordance with law.

3. We have heard the learned Assistant Government Pleader also.

4. The petitioner impugns the show cause notice. The petitioner has an opportunity to file reply to the said show cause notice. It would not be appropriate to interfere with the show cause notice at this stage. The petitioner may file the reply to the show cause notice (Exhibit - A). The ten days period would be expiring on 17.02.2015. We extend the time for filing reply by eight days from today. In case reply is filed within eight days from today, the respondents shall take decision in accordance with law. Needless to state, if any orders are passed, the petitioner has remedy open. The writ petition is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]