

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

WRIT PETITION NO. 5825 OF 2015

Kalyan Shankarrao Kadam

.. Petitioner

Versus

The President Secretary Pathri Taluka
Shikshan Prasarak Mandal, Parbhani
and another

.. Respondents

Shri Mahendra B. Kolpe, Advocate for the Petitioner.

Shri Atul R. Kale, Advocate for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 25TH JUNE, 2015.

PER COURT :

. Mr. Kolpe, the learned counsel for the petitioner submits that, the petitioner has been suspended only on the basis of paper reports and some complaints filed by third parties, who are not concerned with the institution. According to the learned counsel, the reason mentioned in the suspension order is per-se illegal. The learned counsel submits that, the petitioner has not indulged in any illegal activities. Even till date no enquiry has been conducted. The learned counsel submits that, the action of suspension is against the Statute No. 226(6) governing the service of the petitioner and recognized institution.

2. Mr. Kale, the learned counsel for the college submits that, the permission has been given by the university. The letter was given on

25.04.2015 in that regard and the university vide letter dated 07.05.2015 accorded approval to the said suspension. According to the learned counsel, the application was given earlier only with reference to the said letter. The approval was granted and the enquiry committee is also constituted by the university. One of the member has expressed inability to continue with the enquiry, as such letter has been given to the university to appoint another member.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The suspension is in contemplation of departmental enquiry and not by way of punishment. The same does not tantamount to any stigma. The enquiry committee is also constituted by the university. It would not be appropriate in the present writ petition to discuss the pros and cons of the allegations made. That would be subject matter of enquiry. Considering the above, no case for interference is made out. The writ petition stands disposed of. No costs.

5. The management shall expedite the process of enquiry. It has already approached the university for replacement of one of the enquiry committee member who expressed inability. The college and university shall expedite the process in that regard.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]