

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 5826 OF 2015**

GOVIND PUNDLIK MARDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Shelke Avishkar S.

AGP for Respondent/State : Mr. V.H. Dighe

Advocate for Respondent no.3 : Mr. Choudhary D.J.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.**Dated: September 03, 2015**

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PER COURT :-

Heard the learned counsel appearing for the petitioner, the learned counsel appearing for Respondent No.3 and the learned A.G.P. appearing for the State.

2. This Petition is filed with following prayer :-

"C. By way of writ of mandamus or any other appropriate writ, order or direction in the like nature, the respondent No.3 be directed to constitute the Enquiry Committee consisting of the representative of the petitioner for the purpose of conducting Enquiry on the basis of Charge Sheet dated 09.03.2015."

3. The learned counsel appearing for the petitioner submits that, the petitioner could not communicate the name of the representative since exams were in progress and therefore, he submitted application for extension of time a 15 days for communicating the name of the representative. The learned counsel appearing for the Respondent No.3 submits that, in view of the provisions of RuleS 36 and 37 of the Rules, it is not permissible for Respondent No.3 to accept the name of the representative of the petitioner since the said name was not communicated within 15 days.

4. We have heard the learned counsel appearing for the petitioners, the learned counsel appearing for Respondent No.3 and the learned A.G.P. appearing for the Respondent/State.

5. From perusal of the Exhibit-I on page No. 47 of the compilation of the Writ Petition, it appears that, already the petitioner has communicated the name of Shri. Wadetwar Nagalu Laxman to be his representative. In that

view of the matter, we direct the Respondent No.3 to reconstitute the Committee and to conduct denovo enquiry. The learned counsel appearing for the petitioner, on instructions, makes statement that, the petitioner will co-operate for conclusion of the expeditious enquiry.

6. The Petition stands disposed of in above terms.

(**A.M. BADAR, J.**)

(**S.S. SHINDE, J.**)

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