

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

WRIT PETITION NO. 6131 OF 2015

Shankar s/so Vitthalrao Raut

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. N.B. Narwade, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.
DATE : 26th JUNE, 2015**

PER COURT :

1. Petitioner is praying for issuance of directions to respondent no. 4 to take disciplinary action against one Chandrakant Vitthal Nagawade, resident Naib Tahasildar in respect of his dismissal from service.

2. According to petitioner, said Chandrakant Nagawade was instrumental in publishing defamatory article against him. Petitioner presented complaint under sections 499 and 500 of the Indian Penal Code against him which ended in his conviction. The concerned accused presented appeal challenging the order of conviction and sentence and he has been directed to be released on bail by the appellate Court. Petitioner states that said Mr. Nagawade is departmentally prosecuted and report is also stated to have been presented to him in respect of said departmental proceeding. Petitioner contends that respondent no. 4 is not taking action as a result of which Mr. Nagawade is retained in employment. Petitioner

places reliance on the judgment in the matter of Deputy Director of Collegiate Education (Administration) Madras Vs. Nagoor Meera reported in **AIR 1995 Supreme Court, 1364** to contend that there is no bar for taking up departmental proceedings against such accused who has been held guilty for commission of offences.

3. Instant petition is directed against an individual i.e. Mr. Nagawade who has not been impleaded as party respondent in the petition. Since the petition is directed against an individual, no issue relating to public good is involved in the matter. In exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India, no interference is called for in the instant petition involving the personal issues between petitioner and concerned employee of the Government who has not been impleaded as party respondent in the petition. Petition is devoid of substance hence stands rejected.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

dyb