

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

WRIT PETITION NO. 6938 OF 2015

Ghazi Muddasir Ahmed Noorullah .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 6939 OF 2015**

Khan Imran Khan Umar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 6944 OF 2015**

Shama Firdose Mohammad Haji .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 6945 OF 2015**

Mohd. Azhar Mohd. Akbar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Niteen V. Gaware, Advocate for the Petitioner in all matters.
Shri D. R. Korde, A.G.P. for Respondent Nos. 1 and 2 in all matters except W. P. No. 6939 of 2015.

Shri R. P. Phatake, A.G.P. for Respondent Nos. 1 and 2 in W. P. No. 6939 of 2015.

Shri Prashant Nagargoje, Advocate h/f Shri Ali Zeeshan Zaidi, Advocate for Respondent Nos. 3 and 4 in all matters.

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

DATE : 13TH JULY, 2015.

PER COURT :

. Mr. Gaware, the learned counsel for petitioners states that, the order of suspension is not in consonance with Rule 33 of the M. E. P. S. Rules. According to the learned counsel, the person issuing order of suspension was not authorized. The learned counsel submits that, even the suspension order does not state about the tenure of suspension. According to the learned counsel order issuing suspension, decision conducting enquiry and enquiry against the petitioners is to circumvent the criminal complaint filed by petitioners. The learned counsel submits that, even enquiry committee is not properly constituted. One person nominated by the management Mr. Qureshi is interested person. A complaint is filed against him.

2. The learned counsel for respondent Nos. 3 and 4 submits that, the suspension order can be issued by any person. The learned counsel relies on the judgment of the Division Bench of

this Court in a case of **Geeta Ganpatrao Suryawanshi Vs. Shraddheya Mahila Bahuudeshiya Sanstha and another** reported in **2012(3) Bom.C.R. 417**.

3. The learned counsel further submits that, the management has passed a resolution to replace Mr. Qureshi as member of enquiry committee and another person is nominated as member of enquiry committee in his place.

4. The order of suspension is not by way of punishment, that does not attribute any stigma on petitioners. It is only pending enquiry. The learned counsel for respondent Nos. 3 and 4 states that, said order of suspension will be for a period of four months only.

5. The person against whom petitioners have animus that is Mr. Qureshi, the said person is no longer a member of enquiry committee as contended by the learned counsel for respondent Nos. 3 and 4. As such, the major grievance of petitioners with regard to enquiry committee stands redressed. As the suspension is only pending enquiry, we are not inclined to accept the contention of the learned counsel for petitioners on merits with regard to the order of suspension.

6. In case the respondents do not follow the provisions of law

while constituting a enquiry committee for conducting the enquiry as per the rules as laid down, it will be open for petitioners to agitate about the same, when they challenge the said enquiry in appropriate proceedings. The writ petition accordingly stands disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 15