

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 15 OF 2015

SHRI AJAY P. PEDNEKAR.

... Petitioner

Versus

THE CHAIRMAN, SCHOOL MANAGING
COMMITTEE, SHANTADURGA HIGH SCHOOL
AND 2 ORS.

... Respondent

Mr. Ashwin D. Bhobe, Advocate for the petitioner.

Mr. Abhay Nachinolkar, Advocate for the respondent nos. 1 and 2.

Mr. A. N. S. Nadkarni, Advocate General with Ms. N. Kholkar,
Addl. Government Advocate for the respondent no.3.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 29th January, 2015

P.C.

Heard Mr. A. D. Bhobe, learned counsel appearing for the petitioner, Mr. A. Nachinolkar, learned counsel appearing for the respondent nos.1 and 2 and Mr. A. N. S. Nadkarni, learned Advocate General appearing for the respondent no.3.

2. The above petition inter-alia challenges an order passed by the respondent no.3 ordering the suspension of the petitioner in terms of Section 11(4) of the G.D.D. School Education Act, 1984.

3. Mr. Bhobe, learned counsel appearing for the petitioner points out that the order of suspension was passed on 20.03.2014 and inquiry was ordered to be completed within a period of six months.

The learned counsel further points out that the requirement of the provisions of Section 11(4) of the said Act of 1984 were not even complied with while passing the order of suspension. The learned counsel further points out that as the inquiry was not in progress, the question of ordering the suspension of the petitioner is not at all justified.

4. On the other hand, Mr. A. N. S. Nadkarni, learned Advocate General appearing for the respondent no.3 has pointed out that the Presiding Officer has already been appointed to conduct the inquiry and that such inquiry would be completed expeditiously. The learned Advocate General has also taken us through the order passed by the respondent no.3 to advance his contention that the order of suspension was justified.

5. Mr. A. Nachinolkar, learned counsel appearing for the respondent nos. 1 and 2 upon instructions points out that the inquiry is already in progress and such inquiry would be completed within a period of three months from today.

6. Considering the facts and circumstances of the case, without going into the correctness of the rival contentions with regard to the suspension of the petitioner, we find it appropriate to dispose of the petition by directing the respondent nos. 1 and 2 to ensure the completion of the inquiry within a period of three months as

submitted by the learned counsel appearing for the said respondents. Accepting the said statement, the petition stands disposed of. Liberty to the petitioner to apply in case of any delay in completion of the inquiry.

K. L. WADANE, J.

F. M. REIS, J.

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