

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6781 OF 2014

Madanlal Nipane

... Petitioner

Vs.

State of Maharashtra

... Respondent

Mr.S.A. Rajeshirke for the Petitioner

Ms.S.S. Bhende, AGP, for Respondent Nos.1 & 2

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 12th JANUARY, 2015

PC.:

The petitioner has approached this Court seeking indulgence in a Writ Petition filed under Article 226 of the Constitution of India for a direction to the Respondent No.3 to constitute the enquiry committee in accordance with the provisions of Rules 36 and 37 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

An enquiry committee is constituted by the management for enquiring into the charges levelled against the petitioner, who was appointed as a Shikshan Sevak in the respondent school. It is the case of the petitioner that the enquiry committee has not been properly constituted

as one of the members on the enquiry committee is not a State Awardee Teacher and he is also a retired teacher.

The petition is premature. It would not be proper for this Court to interfere in exercise of the writ jurisdiction during the pendency of the enquiry initiated against the petitioner. If the petitioner is really aggrieved by the illegal constitution of the enquiry committee, the petitioner is free to register his objection before the committee and raise a challenge in respect of the same, in case an adverse order is passed against the petitioner after culmination of the enquiry.

In view of the aforesaid, the writ petition is disposed of with no order as to costs. The points raised in the petition are, however, kept open.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)