

WRIT PETITION No. 6580 OF 2014

Mr. Avinash S. Jalistagi, Advocate i/b. Mr. Robin Fernandes for the petitioner.
Mr. Vikas Mali, AGP for respondent no. 1.
Mr. A.S. Rao and Mr. Kedar Prabhu, Advocate for respondent no. 3.

**CORAM : SMT. VASANTI A. NAIK &
C.V. BHADANG, JJ.**
DATE : 12th February, 2015.

P.C.

By this Petition, the petitioner challenges the Departmental Enquiry initiated by the respondent/management under Rules 36 and 37 of the Maharashtra Employees of Private Schools (Condition of service) Rules.

We are afraid that the enquiry initiated against the petitioner cannot be stalled or set aside in the proceedings under Article 226 of the Constitution of India solely on the ground that the enquiry is malafidely initiated against the petitioner. The petitioner will have to face the enquiry and challenge the order, if the same is adverse. However, in the midst of the enquiry, the petitioner cannot be permitted to rush to this Court and

seek the prayer for setting aside the enquiry or staying the same. The petitioner can as well raise the grounds raised in this petition including the ground of malafides, in the enquiry.

The counsel for the respondent/management has made a statement that the enquiry would be completed within a period of three months.

In the circumstances of the case, we dismiss the Writ Petition, with no order as to costs. We expect the petitioner to cooperate in the enquiry proceedings.

Order accordingly.

The points raised by the petitioner in the Writ Petition are kept open.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)