

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Writ Petition No. 969 of 2015

(Sharad s/o Rambhau Panchal Vs. State of Maharashtra, Dept. of Education
through its Secretary and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri M. M. Deshmukh, Advocate for the petitioner
Shri P. V. Thakre, Advocate for the respondent nos. 2 & 3
Shri A. M. Joshi, AGP for the respondent no. 1

**CORAM : Smt. V. A. Naik and
P. B. Varale, JJ.**

DATE : 26-11-2015.

By this petition, the petitioner challenges the order of the Chief Executive Officer, Zilla Parishad, Wardha terminating the services of the petitioner and directing the recovery of the amount that was misappropriated by him.

On hearing the learned counsel for the parties and on a perusal of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules and specially, Rule 13 thereof, we find that the petitioner can challenge the order of termination before the Divisional Commissioner. Since several disputed questions of facts arise for determination in this writ petition, it would be necessary for the Divisional

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Commissioner to first decide the factual issues.

In the circumstance of the case, we dispose of the writ petition with no order as to costs. The petitioner is free to approach the Divisional Commissioner for appropriate relief.

The points raised in the writ petition are kept open.

JUDGE

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