

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

Writ Petition No. 3657 of 2015

(Shri Nishant Shankarao Meshram Vs. The State Minority Commission,
Mumbai through its Chairman 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 R. R. Rathod, Advocate for petitioner
Shri R. P. Joshi, Advocate for respondent no. 2
Shri A. M. Balpande, AGP for respondent no. 3

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

DATE : 18-11-2015.

By this petition, the petitioner has impugned the order of the State Minority Commission dated 15-6-2015 directing the concerned respondent to initiate a Departmental Enquiry against the petitioner under the Maharashtra Civil Services (Discipline and Appeal) Rules and also to take appropriate proceedings against him under Section 299 of the Code of Civil Procedure.

The impugned order is challenged by the petitioner solely on the ground that the petitioner was not heard by the State Minority Commission before the impugned order was passed.

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We are not inclined to grant the prayer made by the petitioner in the instant petition. The directions issued by the State Minority Commission are mere recommendations and it would be for the concerned authorities to consider whether the Departmental Enquiry or proceedings under the Code of Criminal Procedure are required to be initiated against the petitioner or not. In any case, before holding the Departmental Enquiry, the petitioner would be served with the show cause notice and if the respondents are satisfied with the explanation of the petitioner, it is likely that the respondents may not consider proceeding in the Departmental Enquiry.

In the circumstances of the case, we dispose of the writ petition with no order as to costs.

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