

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

Writ Petition No.3770 of 2014

*(Sandhya Krishnarao Chunodkar .vs. Rashtrasant Tukdohi Maharaj Nagpur University,
Nagpur)*

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

*Mr.B.G.Kulkarni, Adv. for the petitioner.
Mr.S.M.Puranik, Adv. for the respondent.*

CORAM : B.P.DHARMADHIKARI &
S.B.SHUKRE, JJ.

DATE : 18.4.2015.

Heard.

Enquiry against the petitioner is going on. Effort of the petitioner is to show that the very complaint, on the basis of which a decision to initiate enquiry against her was taken, is manipulated and the complainants are non-existent.

Mr.B.G.Kulkarni, learned Counsel for the petitioner, during arguments, has submitted that the Controller of Examinations, who has been examined as witness no.1, has deposited in favour of the petitioner. He further states that effort of the petitioner was to demonstrate internal rivalry and victimisation. For that purpose, she wanted to demonstrate that the complaint was figment of imagination of employees working in the department & to prove that she wanted specimen

handwriting of witnesses who were being examined in the departmental enquiry.

The enquiry is still going on. Only two witnesses are fully examined and recording of evidence of third witness is in progress.

In this situation, it is apparent that the petitioner can continue her efforts to show that handwriting in complaint is of a particular person and on that basis, she can also take appropriate defence. However, merely because the complaint is proved to be in the handwriting of a particular person, misconduct is not established. Similarly, if misconduct is established, not proving of complaint will not be fatal.

Hence, without observing anything on the merits of controversy and keeping all the contentions of petitioner open and with liberty to her to raise it at appropriate juncture, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

**jaiswal*