

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

Writ Petition No. 487 of 2016

District : Osmanabad

Vyankat s/o. Suryakant Jawalge,
Age : 37 years,
Occupation : Service,
R/o. Ekurga, Taluka : Omerga,
District : Osmanabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. The Chief Executive Officer,
Zilla Parishad, Osmanabad.
3. The Education Officer (Primary),
Zilla Parishad, Osmanabad.

.. Respondents.

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Mr. Ankush N. Nagargoje, Advocate, for the petitioner.

*Mr. V.S. Badakh, Asst. Government Pleader, for
respondent no.1.*

Mr. S.N. Patne, Advocate, for respondent nos.2 and 3.

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**CORAM : S.S. SHINDE &
SANGITRAO S. PATIL, JJ.**

DATE : 29TH MARCH 2016

COURT'S ORDER *(Per S.S. Shinde, J.)* :

1. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for respective respondents.
2. The learned Counsel for the petitioner submits that there is no reason for the respondents to place the petitioner under suspension. He further submits that the petitioner is witness in pending criminal case and not the accused and therefore the contention of the respondents, that the enquiry cannot proceed because of pendency of the criminal case, deserves no consideration. Therefore, he submits that the order by which the petitioner is placed under suspension, may be quashed and set aside.
3. On the other hand, the learned Counsel appearing for respondent nos.2 and 3, relying on the averments in the affidavit in reply, submits that due to the pendency of Special (pocso) Case No. 2/2015 [*The State of Maharashtra Vs. Maruti Narayan Balkunde*], the respondents cannot continue with the enquiry.
4. We have carefully perused the pleadings in the petition, annexures thereto and reply filed by respondent nos.2 and 3. In our opinion, there is no reason for respondent nos.2 and 3 to stop the enquiry. Therefore, we direct respondent nos.2 and 3 to complete the enquiry as expeditiously as possible, however, within six weeks from today. Needless to observe, that the petitioner shall extend full cooperation for such enquiry. The respondents are further directed to pay subsistence allowance to the petitioner, if not already paid, as expeditiously as

possible, however, within four weeks from today.

5. With the above directions, the Writ Petition is disposed of.
6. Parties to act upon an authenticated copy of this order.

(SANGITRAO S. PATIL)
JUDGE

(S.S. SHINDE)
JUDGE

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