

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 5800 OF 2015**

NUTAN VIDYALAYA SHIKSHAN SANSTHA, SELU,
PARBHANI AND ANOTHER
VERSUS

STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Kulkarni Suresh M.
AGP for Respondent/State : Mr. S.B. Yawalkar
Mr. Shrinivas Radhakishan Ughade - Respondent No.4-
Party-in-person.

...

CORAM : S.S. SHINDE & P.R. BORA, JJ.

Dated: January 08, 2016

...

PER COURT :-

Heard the learned counsel appearing for the petitioners, the learned A.G.P. appearing for the State and the Respondent no.4, who is party in person.

2. This Petition is filed seeking quashment of enquiry initiated on 05.05.2015 by the Respondent No.2, pursuant to the complaint filed by the Respondent No.4. According to the learned counsel appearing for the petitioners, the Respondent No.4 is in habit of filing false complaint and earlier three times enquiry has been held and to that effect the reports are annexed to this Writ Petition. Therefore, relying upon the pleadings in the Petition and annexures thereto, he submits that, the Petition deserves to be allowed.

3. On the other hand, the Respondent No.4, who is

party- in-person submits that, the enquiry is initiated and the petitioners have every opportunity to participate in the enquiry, therefore, he submits that, this Court may not entertain the Writ Petition.

4. We have heard the learned counsel appearing for the petitioners, the learned A.G.P. appearing for the Respondent Nos. 1 to 3 and the Respondent no.4, who is party in person. We have also perused the pleadings in the Petition, annexures thereto and reply filed by the respondent No.4 and rejoinder filed by the petitioner.

5. In our opinion, the petitioners and also respondent no.4 will have an opportunity to participate in the enquiry and to put forth their contention and also to place on record earlier enquiry reports and any other relevant documents on which they wish to place reliance. In that view of the matter, in our opinion, the Petition is premature, and hence stands disposed of with liberty to the petitioners to avail appropriate remedy as available in law at the appropriate time, in case such occasion arises in future.

(**P.R. BORA, J.**)

(**S.S. SHINDE, J.**)

...

sga