

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

WRIT PETITION NO. 4681 OF 2013

Mahadeo S/o Ramkishanrao Borade .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Abhishek M. Hajare, Advocate for the Petitioner.
Smt. S. S. Raut, A. G. P. for Respondent Nos. 1 to 4.
Shri S. J. Salunke, Advocate for Respondent Nos. 5 and 6.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 23RD FEBRUARY, 2016.

PER COURT :-

1. Mr. Hajare, the learned counsel for the petitioner submits that, though Mr. Kadam has committed large scale illegalities no action is taken against the said person. According to the learned counsel only farce was made of taking action against the said person of suspending him. The suspension was only for one (1) month. No proper inquiry is also conducted. The appeal filed by the petitioner exonerating him was dismissed on the ground of locus. The public interest and the public exchequer is involved, as such, petitioner is prosecuting the same.

2. The learned A. G. P. and Mr. Salunke submits that, the respondent No. 5 had ordered inquiry as per direction of the respondent no. 3 and Retired Assistant Registrar Mr. Matara was appointed to inquire. Said Mr. Matara upon inquiry submitted his report on 03rd February, 2009. The allegations of the petitioner were found to be improper. Even, the said person was suspended for one (1) month. The said person has retired on 20th October, 2010, on attaining the age of superannuation.

3. We have considered the submissions. The contentions of the petitioner are refuted by respondent Nos. 3 and 4 in their affidavit. The report dated 03rd February, 2009 of the Retired Assistant Registrar after conducting the inquiry is not challenged. It has been stated on affidavit by respondent Nos. 3 and 4 that the accounts of Agricultural Produce Market Committee have been audited for the period 2008 – 2011 and no discrepancy is found as alleged by the petitioner.

4. Considering the fact that, the allegation of the petitioner were inquired into and report is also submitted, the writ petition now cannot be entertained.

5. The writ petition as such is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]

sam/Feb.16