

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 6045 OF 2016

SMT. SANGITA DHONDIBA INGOLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Suresh M. Kulkarni.

AGP for Respondent No.1 : Mr. P. N. Kutti.

Advocate for Respondent Nos.2 & 3 : Mr. S. B. Pulkundwar.

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

DATE : 28th July, 2016.

ORDER:

. This petition takes an exception to the order dated 31st May, 2016, passed by Respondent No.3 thereby placing the Petitioner under suspension. It is the submission of the learned counsel for the Petitioner that if the charge framed against the Petitioner is carefully perused, one of the charge is about not joining the services at Girls High School, Kinwat as a Headmistress. According to the learned counsel for the Petitioner, at the relevant time, due to reduction of the strength of the students, as per staffing pattern, post of Headmaster / Headmistress was not available, and as a result, there was no question of joining on the said post by the Petitioner on her transfer by order dated 27th January, 2016, which is impugned in Writ Petition

No.1849 of 2016. Therefore, according to the learned counsel for the Petitioner, when the post itself was not available / admissible at the relevant time, the question of joining the said post by the Petitioner at the transferred place would not arise. He further submits that even if other two charges are considered, those are of minor nature, and therefore, there is no reason why the Petitioner should be placed under suspension or enquiry should proceed against the Petitioner.

2 On the other hand, the learned counsel for the Respondent – Zilla Parishad invited our attention to the charge-sheet served upon the Petitioner and submits that there is more than one charge and one of the charge is about filing false complaint against the Chief Executive Officer of the Zilla Parishad. Therefore, the learned counsel for the Respondent – Zilla Parishad relying upon the averments in the affidavit in reply submits that this Court may not entertain the writ petition.

3 We have considered the submissions of the learned counsel for the Petitioner, learned AGP for the State and the learned counsel for the Respondent – Zilla Parishad. With their able assistance, we have perused the pleadings in the petition, annexures thereto, copy of the charge-sheet placed on record by the Respondent

– Zilla Parishad and we are of the opinion that interference at this stage when the Petitioner has to file reply to the charge framed against her is unwarranted. The Petitioner will have every opportunity to put forth her contention during the enquiry. Even if we consider the submission of the learned counsel for the Petitioner that at the relevant time i.e. on 27th January, 2016, when the Petitioner was transferred at Kinwat, there was no post of Headmaster available at that place, there are other two charges against the Petitioner, which the Petitioner has opportunity to reply. Therefore, considering the case in its entirety and without elaborating further reasons, which may cause prejudice to the parties during the course of enquiry, we are not inclined to entertain the writ petition. Hence, the writ petition stands rejected.

[P. R. BORA, J.]

[S. S. SHINDE, J.]

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