

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 7234 OF 2016****HEMANT MOGLAJI KARLE****VERSUS****THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Kulkarni Suresh M.

AGP for Respondent/State : Mr. S.B. Yawalkar

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CORAM : S.S. SHINDE & P.R. BORA, JJ.**Dated: July 25, 2016**

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PER COURT :-

Heard the learned counsel appearing for the petitioner. He submits that the Respondents without contemplating enquiry or without initiating the enquiry have issued the impugned order placing the petitioner under suspension. According to the learned counsel appearing for the petitioner, it is only in the event enquiry is contemplated or initiated, the employee of the Zilla Parishad can be placed under suspension. He further submits that the Appointing authority of the petitioner is the Chief Executive Officer and the Education Officer, who has placed the petitioner under suspension, is not the competent authority. Therefore, it was

incumbent upon the said authority to inform the Chief Executive Officer about passing such order. However, such exercise has not been done.

2. We have considered the submissions of the learned counsel appearing for the petitioner and the learned A.G.P.. With their able assistance, we have perused the pleadings/grounds in the petition and, in particular, the contents of the impugned order.

3. Upon reading the contents of the impugned order, we are of the *prima facie* opinion that there are certain allegations in the notice/order and by way of filing reply to the said order/notice, the Respondents can go ahead with the enquiry. This Court cannot invoke extra ordinary jurisdiction at the time of issuing notice and placing the petitioner under suspension. In that view of the matter, we are not inclined to entertain the Petition. However, we make it clear that in case the Respondents intend to initiate or undertake the enquiry, they can do so but within reasonable time. The Respondents shall complete such exercise within four months

from today including the conclusion of enquiry. In case, the Respondents fail to complete such exercise within four months from today, the petitioner will be at liberty to revive the prayers in the Petition.

4. With the above observations, the Petition stands rejected.

(P.R.BORA, J.)

(S.S. SHINDE, J.)

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