

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8700 OF 2014**

Shri Kashid Pramod Kisanrao

....Petitioner

Vs.

Janata Shikshan Sanstha & Ors.

....Respondents.

Mr. Subhash Langote i/by Mr. Vishnu Anna Madne for the Petitioner.

Mr. Vilas Tapkir a/w Mr. J.S. Yadav, for Respondent No.1.

Mr. V.N. Sagare, AGP for the Respondent-State.

Ms. Hansa Asher Mehta for Respondent No.2.

**CORAM : ANOOP V. MOHTA AND
G.S. KULKARNI, JJ.****DATE : 19 OCTOBER 2016.****ORDER:-**

The Petitioner, who is working as a Junior Clerk with Respondent No.2-Smt. C.K. Goyal Arts and Commerce Mahavidyalaya, Pune, established by Respondent No.1-Janata Shikshan Santha, Pune, has approached this Court by challenging order dated 18 June 2014, passed by Respondent No.1 suspending the Petitioner in view of FIR No.3091/2014 dated 18 June 2014, alleged to be filed by a girl student.

2 The learned counsel appearing for the Petitioner submits that till this date, the Petitioner continues to remain under suspension and no Departmental Inquiry has been initiated. The submission is that, he cannot be kept indefinitely under the suspension. The case of the Petitioner is that the Respondents could not have passed the suspension order only on the basis of FIR, which came to be filed by a girl student.

3 The Respondents have appeared and filed their reply affidavits. From affidavit dated 5 September 2015, filed by one Mr. Jaysing Jaywantral Jagtap, erstwhile President of Respondent No.1, it appears that the contentions of the Petitioner are supported to some extent. However, admittedly, today the said Deponent is not the President as the Management has changed. Be that as it may.

4 Considering the facts and circumstances and more particularly, the inquiry proceeding, so far, have not commenced and the Petitioner has made representations on 4 July 2014, 10 July 2014, 24 July 2014 to Respondent Nos. 1 and 2, we feel it appropriate and

in the interest of justice, that the Petitioner be heard on these representations by Respondent Nos.1 and 2, and after considering the case of the Petitioner as made in the representations, pass appropriate order on the representations, in accordance with law.

5 The Petitioner to appear before Respondent Nos. 1 and 2 for hearing, within two weeks from today and a final order be passed on the representations by Respondent Nos. 1 and 2, within two weeks thereafter. All the contentions are expressly kept open.

6 Writ Petition is accordingly disposed of, in view of the above observations. No costs.

The parties to act on the basis of an authenticated copy of this order.

(G.S. KULKARNI, J.)

(ANOOP V. MOHTA, J.)