

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

WRIT PETITION NO. 6859 OF 2007

Maratha Shikshan Sanstha, Aurangabad
through its Secretary, Mr. Shrimantrao
S/o Pandharinath Shisode and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri A. S. Bajaj, Advocate for Petitioners.

Shri S. N. Morampalle, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 24TH AUGUST, 2017.

FINAL ORDER :

. Heard Mr. Bajaj, the learned counsel for petitioners and the learned Assistant Government Pleader for respondent Nos. 1 to 3.

2. The petitioners assail the communication dated 26.11.2007 directing re-enquiry/fresh enquiry.

3. This Court under its order dated 08.01.2008 had stayed the said action.

4. It is observed that, the enquiry was already undertaken by the Committee. The enquiry committee consisted of various persons such as one Mr. B. G. Khobragade, Arjun Patil, Kumari

Ambekar and Shri Sanjay Thombre and four other members of the committee. The committee submitted its report. The compliance report was called for from the petitioners on the said report. The compliance report was submitted by the principal of the college on 08.11.2006. The principal represented for release of salary of 22 employees, which was withheld. The directions to withhold the salary were subsequently withdrawn by the respondent Nos. 2 and 3. The petitioner/management and the college were exonerated of the allegations and the salary of the employees, which was withheld, was released. However, it appears that, subsequently, on the basis of some representations fresh enquiry committee was constituted. The old matter is sought to be reopened on the ground that new evidence is available.

5. Reasons are not spelt out for re-opening the matter, when earlier enquiry is concluded, compliance report was also submitted.

6. This Court had granted interim relief in terms of prayer clauses "C" and "D" under order dated 08.01.2008.

7. Considering aforesaid conspectus of the matter rule is made absolute in terms of the interim order passed. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 17