

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3331 OF 2018

Balu Wamanrao Nandkhile

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.S.B. Narawade advocate for the petitioner
Mr.P.N. Kutti, AGP for Respondents

CORAM : **R.M. BORDE & K.K. SONAWANE, JJ**

(Date: April 2nd, 2018)

PER COURT :-

1 The petitioner is objecting to the order passed by the Inquiry Officer, directing dismissal of the petitioner, which order has been confirmed by the High Court, while dealing with the Administrative Appeal tendered by the petitioner.

2 The petitioner, at the relevant time, was functioning as a peon in the Court of Civil Judge, Junior Division at Parner. It is alleged that the petitioner had been to the house of one Hanumant Shankar Kalokhe who was plaintiff in RCS No.35/2010 pending in the Court of Civil Judge, Junior Division, Parner and asked him to tender an amount of Rs.30,000/- for making payment to the Judicial Officer i.e. the then Civil Judge, Junior,

Division, Parner in expected return of favourable decision. The complainant recorded the conversation between the petitioner and himself on his mobile phone and thereafter presented a written complaint to the Principal District Judge, Ahmednagar. A departmental inquiry was conducted against the petitioner. The inquiry officer on conclusion of inquiry submitted report on 20.10.2012 and thereupon the Disciplinary Authority i.e. the Principal District Judge, Ahmednagar passed the final order on 8.2.2013 directing removal of the petitioner from service.

3 On perusal of the order passed by the Disciplinary Authority as well as the High Court, it does appear that the petitioner was offered reasonable opportunity to raise his contentions during the course of enquiry. It has not been controverted that the principles of natural justice have been observed during in the process of enquiry. The finding of the facts recorded by the inquiry officer which have been accepted by the Disciplinary Authority as well as by the High Court need not be interfered with, in exercise of extraordinary jurisdiction under article 226 of the Constitution of India. It is established during the enquiry that, the petitioner while functioning in the Court, has committed misconduct in demanding an amount of RS.30,000/- in the name of the Presiding Judge of the Court. The

petitioner being an employee of the Court is not expected to behave in the fashion in which he has conducted himself. The act committed by the petitioner has an effect of tarnishing the image of judiciary in the eyes of general public. Such cases are required to be dealt with iron hand.

4 In view of above, no interference is called for. The petition is devoid of any substance, hence stands dismissed.

(K.K. SONAWANE, J)

(R.M. BORDE, J)

vbd