

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

WRIT PETITION NO. 4443 OF 2008

Pralhad S/o Motiram Attarde,
Age : 57 Years, Occu. : Service,
R/o Plot No. 18, Sindhi Colony
Road, Behind Kala Bhavan,
Zilla Peth, Jalgaon,
Tq. & Dist. Jalgaon.

.. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Education Department,
Mantralaya, Mumbai.
2. Education Officer (Secondary),
Zilla Parishad, Jalgaon.
3. The Head Master,
Late Abhiman Mahadu Warke
Vidyalaya, Vidgaon,
Tal & Dist. Jalgaon.
4. The Chairman,
School Committee,
Late Abhiman Mahadu Warke
Vidyalaya, Vidgaon,
Tal & Dist. Jalgaon.
5. President,
Vidgaon Parisar Janta Vidya
Mandal, Vidgaon, Tal &
Dist. Jalgaon.

.. Respondents

Shri Girish V. Wani, Advocate for the Petitioner – absent.
Shri A. V. Deshmukh, A.G.P. for Respondent Nos. 1 and 2.
Shri Ajay G. Talhar, Advocate for Respondent Nos. 3 to 5.

**CORAM : S. V. GANGAPURWALA AND
S. M. GAVHANE, JJ.
DATE : 31ST AUGUST, 2018.**

ORAL JUDGMENT (*Per S. V. Gangapurwala, J*) :-

. The petitioner challenges the charge sheet dated 25.03.2008 issued by the respondent No. 4.

2. Mr. Talhar, the learned counsel for respondent Nos. 3 to 5 submits that, the petitioner stood superannuated on 31.05.2008. Prior to that enquiry was initiated and even charge sheet was issued to the petitioner on 23.05.2008. The enquiry was stayed on 06.08.2008. According to the learned counsel for respondent Nos. 3 to 5, as the charge sheet was issued prior to his superannuation, the management is entitled to proceed with the enquiry.

3. We need not enter into the factual matrix involved in the present matter. The enquiry sought to be conducted was under the provisions of the Maharashtra Employees of Private Schools (Condition of Service) Regulation Act 1977 and Rules of 1981. The enquiry is regulated as per Rules 33, 36 and 37 of the M. E. P. S. Rules.

4. This Court in a case of **Bhagwan Damaji Dongre Vs. The State of Maharashtra and others** reported in **2016(6) All MR 748** has held that, after retirement of an employee, enquiry under the M. E. P. S. Rules cannot proceed. This Court had stayed the enquiry. The enquiry never concluded or finalized. The petitioner stands retired on 31.05.2008. In view of that, rule is made absolute in terms of prayer clause "B". No costs.

Sd/-

[S. M. GAVHANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/Aug. 18

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