

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2919 OF 2017
WITH
CIVIL APPLICATION NO. 5652 OF 2017

Dr. Satish Sanduji Thombre

.. **Petitioner**

Versus

The President,
Sillod Shikshan Sanstha,
Through Nutan Multipurpose School
and another

.. **Respondents**

WITH

WRIT PETITION NO. 8167 OF 2017

Dr. Satish Sanduji Thombre

.. **Petitioner**

Versus

The President,
Sillod Shikshan Sanstha,
Through Nutan Multipurpose School
and another

.. **Respondents**

Shri N. B. Khandare, Advocate for the Petitioner / Applicant.

Shri V. J. Dixit, Senior Advocate i/b. Sushant V. Dixit, Advocate
for Respondent No. 1.

Shri Avinash D. Aghav, Advocate for Respondent No. 2.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVAL, JJ.

DATE : **1st February, 2018**

PER COURT :

1. Writ Petition No. 2919 of 2017 is filed by the petitioner challenging the order of suspension. Writ Petition 8167 of 2017 is filed by the petitioner challenging the constitution of the enquiry committee and with further directions to allow the petitioner to work as Associate Professor.

2. We have heard Mr. Khandare, learned advocate for the petitioner and Mr. Dixit, learned Senior Advocate for the respondent No. 1.

3. In the enquiry three charges were framed against the petitioner. The same reads as under-

“ **CHARGES**

I/ At the time of appointment as Lecturer in the Management's College you have submitted the false Caste Certificate projecting the caste Maratha (Kunbi) from OBC category, thereby gained the pecuniary benefits of the OBC category including salary from the Government and thus you cheated and made fraud against the management/College and Government as well.

II/ Making a proposal without recommendations of

the Management/Principal of the College for application of CAS benefits i.e. Senior Grade and Selection Grade you have arranged to get the approval from the concerned University for the CAS promotion and gained the pecuniary benefits from the Government and thus cheated and made fraud of fabrication of documents for submission of proposal to the University.

III] To avoid and / or neglect to follow the administrative / academic instructions of the Management from time to time and also misbehave with the office bearers of the Society and / or authorities of the College.”

4. This court under order dated 3rd May, 2017, allowed the respondents to proceed with the Departmental Enquiry, however, directed the respondents not to pass any final order.

5. Mr. Dixit, learned Senior Advocate for the respondent submits that the enquiry is concluded with regard to Charge Nos. 2 and 3 and enquiry is not conducted with regard to Charge No. 1 and in the Disciplinary Enquiry initiated against the petitioner which is concluded, Charge No. 1 is not considered and

would not be considered.

6. As the Departmental Enquiry is already concluded, we are not inclined to consider the arguments of the respective parties. The petitioner will have liberty to put forth its case even when decision is being taken by the Disciplinary Authority and thereafter also will have liberty to assail if any adverse orders are passed.

7. In view of the statement made by the learned Senior Advocate for the respondent that Charge No. 1 is not proceeded with in the Departmental Enquiry, we dispose of the writ petitions with aforesaid observations. The Disciplinary Authority may take further decision upon the period of suspension also.

8. In view of disposal of writ petition, civil application also stands disposed of.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]