

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

89 WRIT PETITION NO.9296 OF 2018

SANJAY BHAGWAN THORAT

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER..RESPONDENTS

...

Mr. S. S. Thombre, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

Mr. Prakashsing B. Patil, Advocate for Respondent No.2.

...

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

DATED : 9th JULY, 2019.

PER COURT:-

1. Mr. Thombre, learned counsel for the petitioner submits that the order passed by the C.E.O. and impugned in the present petition is not pursuant to any provisions or Rules nor it is pursuant to the Government Resolution. According to the learned counsel, the petitioner has never given any false information. In view of that, this Court can consider the said aspect.

2. In the order passed by the C.E.O. thereby imposing punishment is appealable before the Commissioner under Rule 13 and 14 of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964.

3. The petitioner can agitate all the grounds raised in the present petition before the Commissioner. If the Commissioner allows the Appeal, the necessary consequences would follow.

4. Writ Petition is disposed of with liberty to the petitioner to avail the remedy of appeal. If the appeal is filed by the petitioner, the Commissioner shall decide the said appeal before one month.

5. All contentions of the respective parties are kept open.

6. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE