

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

WRIT PETITION NO. 9691 OF 2019

Laxman Raghunath Devarshe .. Petitioner

Versus

Jai Malhar Shikshan Prasarak
Mandal Koutha through President
and others .. Respondents

Shri Dhanaji S. Kudale, Advocate for Petitioners.
Shri Rajendra S. Deshmukh, Advocate for Respondent Nos. 1 to 3
Shri S. B. Narwade, A.G.P. for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.
DATE : 08TH NOVEMBER, 2019.**

FINAL ORDER :

. Heard Mr. Kudale, the learned advocate for the petitioner. Amongst the arguments canvassed by the learned counsel for the petitioner, one of the argument is that the petitioner has been suspended under order dated 24.04.2019 without permission of the authorities. As per Clause 8-B of the Schedule 18 of the Ashram School Code, the suspension cannot be for more than four (04) months. According to the learned counsel as yet enquiry officer is not appointed.

2. Mr. Deshmukh, the learned counsel for respondent Nos. 1 to 3 submits that, the petitioner has been suspended in contemplation of departmental enquiry. The petitioner was not

accepting the notices of the respondents. In view of that, enquiry could not proceed.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. Clause 8-B of the Schedule 18 of the Ashram School Code reads thus :

8. निलंबनाच्या शर्ती :-

अ. ...

ब. निलंबनाचा कालावधी योग्य अशा प्रधिका-याची पूर्व परवानगी नसेल तर चार महिन्यापेक्षा अधिक असणार नाही.

5. The petitioner has been suspended on 24.04.2019 without permission of the authorities. The period of four months came to an end on 24.08.2019.. It appears that, as yet enquiry officer is not appointed. There is no restriction on the power of the management to conduct the departmental enquiry. It is for the management to conduct the departmental enquiry.

6. However, as four months have lapsed from the date of suspension and no enquiry has commenced, in view of Clause 8-B of the Schedule 18 of the Ashram School Code, suspension will have to be set aside.

7. In view of the above, the order of the suspension because of lapse of four months stands set aside.

8. The writ petition accordingly is disposed of. No costs.

[AVINASH G. GHAROTE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov. 19