

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

WRIT PETITION NO. 14402 OF 2019

**SHAIKH GULAM HABIB GULAM MUSTAFA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Petitioner : Mr. Gaikwad Anil M.
AGP for Respondent / State : Ms. P. V. Diggikar

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**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE: 28th NOVEMBER, 2019

PER COURT:

1. We have heard Mr. Gaikwad, learned counsel for the petitioner.
2. The petitioner is challenging the show cause notice that the petitioner should not be reverted.
3. Mr. Gaikwad, learned counsel for the petitioner submits that no irregularity and illegality is committed while promoting the petitioner. After the promotion, the petitioner has completed the diploma course, entire procedure is followed. Earlier show cause notice was issued

on 12.07.2019. Now the final show cause notice is issued.

4. The respondent / Chief Executive Officer will have to consider the explanation given by the petitioner before taking a final decision. The petitioner has also given the explanation. Naturally, before passing any order pursuant to the show cause notice, the Chief Executive Officer will have to consider the explanation tendered by the petitioner. The authority will have to consider all the documents produced by the petitioner regarding his attendance in the college and all other aspects.

5. As show cause notice is only assailed which the authority has got powers to issue, we are not entering into the merits of the matter, though *prima facie* we find that the petitioner has case on merits. If any adverse order is passed against the petitioner, same shall not take effect for fifteen (15) days from the date of service of order on the petitioner.

6. Keeping the merits of the contentions open,
the writ petition is disposed of. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

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