

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

7 WRIT PETITION NO.5678 OF 2020

GORAKSHANATH RAGHUNATH SHETE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Shinde Chandrakant K.
AGP for Respondents: Mr. S.K. Tambe
Advocate for Respondent No.2 : Mr. M.N. Navandar
...

CORAM : **SUNIL P. DESHMUKH & M. G. SEWLIKAR, JJ.**

Date: August 17, 2020
...

PER COURT :-

- 1 Issue notice to respondents.
- 2 Learned AGP waives notice for respondent No.1. Mr. M.N. Navandar learned counsel waives notice for respondent No.2.
- 3 After hearing the learned counsel for the parties, it transpires that the petitioner is arraigned in the same criminal case as the petitioner in Writ petition (stamp) No.13213 of 2020. While respondent No.2 had changed headquarter of petitioner therein, he had been before this court aggrieved by the same.
- 4 Learned counsel for the petitioner purports to draw our attention to that, present petitioner as well, is similarly placed and his headquarter has been changed which is about 250 kilometers away. He submits that in his case also, enquiry will be conducted at Rahuri in Ahmednagar District and that lot of

difficulties would be faced by him to attend the enquiry at Rahuri, particularly in the current Covid-19 pandemic.

5 He further submits that the petitioner is on bail. The Additional Sessions Judge-2, Ahmednagar, under its order dated 07-08-2020 has imposed certain conditions upon the petitioner. One of the conditions is also that the petitioner shall report to concerned police station on every Monday and Tuesday between 11.00 a.m. and 2.00 p.m. until further orders.

6 Learned counsel for petitioner has drawn our attention to order dated 13-08-2020 in aforesaid writ petition (stamp) No.13213 of 2020, where-under the division bench has observed that the Government Resolution dated 20-04-2013 would not enure any benefit to respondent No.2 and same is with reference to the reinstatement of an employee after suspension.

7 Learned advocate for the petitioner, on instructions, states that the petitioner herein as well is not challenging the order of his suspension.

8 Though Mr. Navandar purports to make submissions, we consider that he has not been in a position to show that there is much difference in the situation involved in the above referred writ petition and the present one.

9 Majority of relevant circumstances involved in present matter are similar to the ones as involved in Writ petition (stamp) No.13213 of 2020 and respondents have not been able to show that there is any significant difference in the set of facts and events in the matters.

10 In the circumstances, we deem it appropriate to follow the same suit, as it would be in the fitness of things. In view of above and also for the reasons referred to in the order dated 13-08-2020, in the aforesaid writ petition, we set aside the order changing the headquarter of the petitioner.

11 As such, we set aside impugned order dated 29-07-2020 to the extent of changing headquarter of the petitioner.

12 Writ petition is accordingly allowed to above extent.

(M. G. SEWLIKAR, J.)

(SUNIL P. DESHMUKH , J.)