

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

970 WRIT PETITION NO.4311 OF 2021

SANJAY BHALCHANDRA CHAUDHARY
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Dharurkar Chaitanya V
AGP for Respondents/State: Mrs. V. S. Chaudhari

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**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE : 9th March, 2021

P.C. :

. We have heard Mr. Dharurkar, learned counsel for the petitioner.

2. The learned counsel submits that the inquiry conducted is not in tune with principles of natural justice. The Presenting Officer of the petitioner was not allowed to cross-examine the witnesses. The subsistence allowance is also not paid. The learned counsel submits that non-payment of subsistence allowance vitiates the inquiry. In view of that, the petitioner has approached this Court challenging the show cause notice. The respondents can be directed to grant opportunity to the petitioner to cross-examine the witnesses.

3. The learned AGP appears for respondent No.1.

4. The petitioner has approached this Court against the show cause notice. The petitioner can file his say to the show cause notice. At present, it would be premature to conclude about the decision that would be taken by respondents. The petitioner can raise all the defences available in the say to the show cause notice which the authority has to consider and after the final order, the petitioner has a remedy of appeal provided. The petitioner can raise all available grounds also, in case, disciplinary authority passes the orders against the petitioner.

5. In light of above, we are not considering the merits of the contentions of the petitioner. The writ petition as such is disposed of. It is made clear that we have not dealt with the merits of the contentions raised by the petitioner and they are kept open. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)