

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

911 WRIT PETITION NO.12770 OF 2021

SMT. RATNABAI SUBHASH THUBE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Petitioner : Mr. Avinash S. Khedkar.  
AGP for Respondent/State: Mr. K. N. Lokhande.  
Advocate for Respondent No.4 : Mr. Avinash D. Aghav.  
...

CORAM : S. V. GANGAPURWALA &  
R. N. LADDHA, JJ.

DATE : 23<sup>rd</sup> November, 2021.

**PER COURT:**

. Mr. Khedkar, learned counsel for the petitioner submits that the similarly situated persons had approached this Court and this Court had protected them. The learned counsel submits that the petitioner at no point of time submitted a forged or false disability certificate. The petitioner had also not taken the benefit of disability. The petitioner and other similarly situated persons were inquired into. On the basis of the same evidence, some employees are exonerated in the inquiry and the petitioner is being held guilty. The same is illegal.

2 The learned AGP accepts notice for respondent Nos.1, 2 and 3. Mr. Aghav, learned counsel waives notice for respondent No.4.

3           The difference, *prima-facie*, it appears that the other persons, who had approached the Court and to whom the protection was granted, were exonerated in the inquiry and the petitioner is not exonerated in the inquiry. The final show cause notice has been issued to the petitioner. The petitioner has already retired from service. The petitioner can file say to the show cause notice and bring all the relevant facts to the notice of the authority, which facts certainly will have to be considered while taking a decision in furtherance to the show cause notice.

4           It is submitted that the reply to the show cause notice is already filed. Naturally, the authority will consider the reply filed by the petitioner while passing final order pursuant to the show cause notice.

5           The writ petition is accordingly disposed of. It is made clear that we have not opined anything on merits of the matter. All contentions are kept open. No costs.

[ R. N. LADDHA, J. ]

[ S. V. GANGAPURWALA, J. ]