

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

**WRIT PETITION NO.6213 OF 2020
WITH
CIVIL APPLICATION NO. 1018 OF 2021**

**DR. ABHIJEET LAXMANRAO PALHADE
VERSUS
STATE OF MAHARASHTRA AND OTHERS**

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Advocates for Petitioner:

Mr. S. D. Chopde & Mr. Swapnil Joshi
AGP for Respondents No. 1 & 3: Mr. K. N. Lokhande
Advocate for Respondent No.2: Mr. S. G. Karlekar
Respondent No.4 - served
Advocate for Respondent No.5:
Mr. Mukul S. Kulkarni
Advocate for Respondent No.6: Mr. M. V. Ghatge

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

Reserved for Orders On:	06.04.2021
Order Pronounced On:	23.04.2021

ORDER:

1. The petitioner seeks directions against the respondent to grant admission to the petitioner by cancelling admission of respondent no. 6 for M.S. (Orthopaedics) course, so also, seeks compensation for physical and mental harassment and action against respondent no. 5 - College.

2. The petitioner, after completion of the admission process at the State level applied for admission at the institutional level for the post of M.S. (Orthopaedics) to respondent no. 5 college upon noticing the vacancies. The petitioner claims to be at serial no. 2 in the wait list. Respondent no. 6 is given admission. He was at serial no. 31 in the wait list.

3. Mr. Chopde, learned Advocate for the petitioner strenuously contends that respondent no. 5 College is guilty of fraud in denying admission to the petitioner and granting admission to respondent no. 6. Respondent no. 5 - College published the select list and the wait list on 20.08.2020, as per the programme. As per the said list, one Mansi Shah was shown as selected and Amey Yeolakar was shown at serial no. 1 in the wait list. The petitioner was shown at serial no. 2 in the wait list. Respondent no. 5 displayed the name of Mansi Shah as an admitted candidate in the list published on 27.08.2020. The said Mansi Shah had already secured admission in Sir Gangaram

Hospital, Delhi on 17.08.2020 and the person shown in the wait list at Serial No. 1 namely Amey Yeolakar had secured admission at Appollo Hospital, Mumbai on 17.08.2020. The petitioner communicated with Mansi Shah and Amey Yeolakar. The said Mansi Shah and Amey Yeolakar informed the petitioner that they never applied to respondent no. 5 - College for admission. The said Mansi Shah also complained to respondent no. 2 - State Common Entrance Test Cell on 28.08.2020 to the effect that she had never applied to respondent no. 5 and her documents are misused. The respondent published another list on 27.08.2020 displaying that Amey Yeolakar is selected. This list is never published on the website of the college. The same is a fraudulent document. False admission is shown of Mansi Shah and in another list Amey Yeolakar is shown selected fraudulently so as to deprive the petitioner of his legitimate right and illegally grant admission to respondent no. 6 who is much below the petitioner in the merit list.

4. Mr. Chopde, learned Counsel further submits that this Court had specifically directed the State CET Cell to make an enquiry under it's order dated 11.01.2021, thereby directing respondent no. 2 - State CET Cell to make an enquiry as to whether the candidates at Serial No. 1 and 2 of the wait list dated 20.08.2020 had applied in person or through representatives. No such enquiry was made by the State CET Cell but had directed respondent no. 3 / Director of Medical Education and Research to constitute a committee and submit the report. The enquiry report was placed before the State CET Cell. The enquiry report states that as per the version of Mansi Shah; she did not apply and as per the college she applied through her representative. Same was the observation with regard to the application of Amey Yeolakar. The State CET Cell is acting in a biased manner to favour respondent no. 5 - College. The enquiry committee also found that no documents are shown to the enquiry committee of Mansi Shah and Amey Yeolakar being admitted still no action is taken

by the State CET Cell or respondent no. 3 against respondent no. 5.

5. The learned Counsel further submits that in the present petition also not a single document is produced to show that Mansi Shah and Amey Yeolakar had applied either in person or through representative and on what basis Mansi Shah was shown as admitted. The stand of respondent no. 5 that there were complaints that forms submitted through representatives should not be accepted and as such guidance from respondent no. 2 State CET Cell by sending e-mail on 28.08.2020 at 03:50 PM and after receipt of guidance from respondent no. 2 State CET Cell on e-mail on the same day at 06:17 PM published fresh list at 04:00 PM. This shows that before receiving the guidance the list was published. The falsity on the part of respondent no. 5 – College is writ large. In fact, no corrected list is published. The same is not on the college website. Respondent no. 5 – College in it's reply states that the corrected list is published on 28.08.2020. The enquiry report

submitted on behalf of respondent no. 2 states that the corrected list was published on 29.08.2020. These statements are contrary to each other. In fact, no corrected list was published either on 28.08.2020 or on 29.08.2020. The corrected list cannot be published as the same is not a part of the schedule and the programme declared. No such publication is given in the newspaper or by admitting the candidates. No such steps were taken by the College. The learned Counsel submits that all these facts would show the illegality committed by respondent no. 5 - College.

6. Mr. Chopde, learned Counsel further submits that respondent no. 2 did not file reply on the factual aspects nor had clarified as to what the notice meant when it is said that the application shall be made in person. The brochure nor the rules make it mandatory that the application should be given in person, the condition only mandates that the application should be physically submitted to the institution and not by on-line

e-mail. The application form of the petitioner submitted through representative was accepted and considered also. His name was shown in the wait list at Serial No. 2. If the form of the petitioner was not accepted then the petitioner would have immediately challenged the said condition. No Occasion existed for challenging the said condition. The interpretation of the word 'application in person' in the facts and circumstances of the matter would be physical submission of application and not on-line. The condition of application in person is provided only because as per NEET brochure the candidate has to apply on-line in Center and State College through Central Admission Process, but at the institutional level there is no centralized admission; so the forms are required to be physically submitted. No explanation is coming forth from the respondent as to why the application should be submitted personally by the candidate and not through representative. The learned Advocate further submits that the

admissions in the Central, State and Institutional level are required to be carried out as per the instructions given in NEET brochure. There is no condition mentioned in the NEET brochure to apply personally by candidate. Respondent no. 5 does not have power to add any particular condition.

7. The learned Advocate submits that the petitioner was suffering from Covid-19 at the relevant time. In the pandemic period the application to be made in person should be interpreted as in physical form, it could be even accepted through representative and the same was in fact accepted. It is only because of the mischief on the part of respondent no. 5 - College the petitioner is deprived of his legitimate right to get admission to the M.S. (Orthopaedic) course. Respondent no. 5 - College is guilty of malpractice. The respondent be directed to give admission to the petitioner.

8. Mr. Kulkarni, learned Advocate for respondent no. 5 - College submits that the petitioner was

required to submit his application in person as mandated by the notices issued by the State CET Cell. The petitioner is guilty of making false statement. He has not clarified the execution of letter of authority during quarantine period and thereafter sent all the said documents from Akola to Dhule. The petitioner was not the only candidate seeking permission to M.S.(Orthopaedic) course with respondent no. 5 – College. There was list of 40 candidates whose names were displayed by the College on 20.08.2020. The College informed the petitioner through e-mail dated 28.08.2020 that he was not eligible for admission as he has not applied in person. This fact is not denied by the petitioner though he has filed the Rejoinder.

9. After completion of the centralized Admission Process the process of admission was for institutional or college admission. The requirement as mandated by the State CET Cell that the application should be in person is with an intention that there may not be competition between the institutes and colleges for admitting

the students. This stage of admission is known as spot admission. Even otherwise, the petitioner has not challenged the condition of submitting the form in person. The petitioner was well aware of the said condition and that is why has come-up with a plea that he had executed the letter of authority to submit his form. In arguments, he has raised the plea that he was not legally bound to submit the form in person. As per the enquiry report submitted by the committee appointed by respondent no. 2 pursuant to the directions of the Court it has surfaced that admission given to respondent no. 6 is as per rules. Thereafter, the petitioner shifted his stand and started alleging against the State CET Cell and the College. The petitioner is guilty of changing his stand time and again. The petitioner is not eligible for being admitted for the academic year 2020-2021.

10. Mr. Karlekar, learned Advocate for respondent no. 2 - State Common Entrance Test Cell submits that as per the notice issued by respondent no. 2, all candidates desirous of admission in

institutional round were required to submit applications in person with photocopies of requisite documents. As per Clause 3 and 15.1 of the brochure the competent authority i.e. respondent no. 2 has authority to issue necessary executive instructions and directions and accordingly the notices were issued requiring candidates to submit application 'in person' to respective institutions / colleges in institutional level round. The same is within the authority of respondent no. 2 as provided in the brochure. As the petitioner did not submit his application in person with respondent no. 5 institution while claiming admission at the institutional level round, he was not eligible for admission. The petitioner has not challenged the rules or the notice requiring candidate to submit the applications in person to respective institutions.

The learned Advocate further submits that assuming the allegation of the petitioner that Mansi Shah and Amey Yeolakar had not applied and

still their names were shown in the list to be proved, still the petitioner is not entitled for admission as the petitioner has not submitted his application in person. The learned Advocate submits that as per the enquiry report, the mistake committed by respondent no. 5 institute of including the names of the candidates who had not applied in person including the petitioner was rightly corrected and accordingly the admission of respondent no. 6 is as per the rules and procedure prescribing the admission in question. The petitioner was not eligible to be considered for admission as he has not applied in person.

11. The learned Advocate for respondent no. 6 submits that as per the notice the application for admission was to be filed in person and all those who had applied through e-mail or through representatives were held ineligible. The candidates have to attend personally for the admission process at the institutional round. In spite of that several candidates did not attend the admission process in person. Respondent no. 6

was personally present in the admission process and was admitted to M.S. (Orthopaedic) course. No illegality is committed in admitting respondent no. 6. The institutional round is the last round and in the last round the candidates are directed to attend personally. If the candidates at the institutional round are allowed to claim seat through representative or e-mail without securing the personal presence then, the candidates with higher marks will block many seats and the admission process cannot come to logical end and many seats may remain vacant and similarly many aspiring candidates may lose opportunity of admission. The last round is an admission to ensure end to the admission process and also ensuring that the seats are allotted to maximum students and the benefit of admission to be given to as many aspiring candidates as possible. The petitioner was not personally present for admission process which is mandatory as per the rules framed by the competent authority for laying down the procedure. The petitioner could have

approached this Court for considering his claim well in advance before the date of submission is over or even before the admission was finalised, but he choose not too, though he was discharged from the hospital on 19.08.2020; even according to the petitioner. No fault can be attributed to respondent no. 6 admitted through legal process and almost an academic year would come to an end.

12. We have considered the submissions canvassed by the learned Advocates for the parties.

13. From the pleadings of the parties and the arguments canvassed it appears that after the Centralized Admission Process was concluded the schedule was displayed for the institutional level round for private unaided / minority medical and dental institutions. The schedule of the admission at the institutional level round for the PG vacant seats in private medical / dental college is as under-

Table-I-Schedule for Institute level round for Private Unaided/Minority Medical and Dental Institutes.

Sr. No.	Activity	Schedule
1	Display of vacant seat matrix and list of eligible candidates of Private Unaided/Minority Medical/Dental institutions. The Dean/Principal of the institution shall carry out the admission for these vacant seats on the basis of inter-se merit from the list of NEET PG/MDS – 2020 eligible candidates as per the directions issued by the Competent Authority during Academic year 2020-21	16/08/2020 by 8 pm
2	Submission of Application to respective institutions/College in person with photocopies of requisite documents (Application format is available on the State CET Cell website)	17/08/2020 to 19/08/2020 upto 5 pm
3	Publication of Merit List/Selection List/Wait List on the Notice Board of respective institute and website of respective institute	20/08/2020 upto 3 pm
4	Last date for selected candidates to report respective institute with all original documents and requisite fees for admission	21/08/2020 to 26/08/2020 upto 5 pm (Excl.22/08/2020& 23/08/2020)
5	Publication of list of admitted candidates and vacancy (if any) with publication of second selection list from wait listed candidates on the Notice Board of respective institute and website of respective institute	27/08/2020 upto 3 pm
6	Last date for wait list candidates to report respective institute with all documents and requisite fees for admission	28/08/2020 to 31/08/2020 upto 5 pm (Excl.30.08.2020)
7	Publication of total list of admitted candidates on the Notice Board of respective institute and website of respective institute	31/08/2020 by 6 pm
8	Cut-off date for NEET PG-2020/NEET MDS 2020 Admissions	31/08/2020
9	Online submission of list of admitted candidates to State CET Cell/MUHS/MCI/DCI on their respective portal and e-mail ID	31/08/2020 by 12 midnight

14. As per the aforesaid schedule, the last date for admission was 31.08.2020 up to 05:00 PM. The applications were required to be submitted from 17.08.2020 to 19.08.2020 and the merit list / select list / wait list was to be published on 20.08.2020. From 21.08.2020 to 26.08.2020 were the dates within which the selected candidates are supposed to report to the respective institutes along with the original documents and fees. On 27.08.2020 up to 03:00 PM the list is required to be published of admitted candidates and vacancy (if any) with publication of second selection list from wait listed candidates on the notice board of respective institute and websites of respective institute and from 28.08.2020 to 31.08.2020 wait listed candidates are supposed to report to the respective institute with all documents and fees.

15. Respondent no. 6 was admitted to M.S. (Orthopaedics) course on payment of fees before the last date for admission. The petitioner filed the present petition on 09.09.2020. On 14.09.2020 this Court considering the contentions of the

petitioner issued notice to the respondents returnable on 21.09.2020. The notice of respondent no. 4 was returned unserved so also notices issued to respondents no. 2 and 6 i.e. the State CET Cell and the candidate admitted were awaited. The petitioner supplied the correct address of respondent no. 6 as per the civil application and on 02.11.2020 notices were directed to be issued on the fresh address supplied by the petitioner to the respondents returnable on 04.01.2021. On 11.01.2021 considering the submissions made by the learned Advocate for the petitioner we directed respondent no. 2 State CET Cell to make an enquiry and submit it's report about the allegations made by the petitioner that the candidates at serial no. 1 and 2 of the wait list dated 20.08.2020 had never applied. The report was submitted on 19.01.2021. On 29.01.2021 learned Advocate for the petitioner sought directions against the State CET Cell to place on record the annexures referred to in the enquiry report. On the said date this Court directed the State CET Cell to place on record all

the annexures. The same were placed on record. On or about 09.03.2021 the Counsel for the petitioner and the Counsel for respondent no. 2 were indisposed and at their request the matter was adjourned to 23.03.2021. The matter was heard on 30.03.2021 and the written points were given by the learned Advocates from 01.04.2021 to 06.04.2021.

16. The gamut of the dispute appears to be the non consideration of the application of the petitioner and the act of the College in showing Dr. Mansi Shah and Dr. Amey Yeolakar as selected and / or admitted to M.S. (Orthopaedics) course.

17. Under Clause 15 of the Procedure For Selection and Admission to Medical Post-graduate Courses, the procedure is detailed for admission at the institutional level round for vacant seats after CAP MOP-UP round. Clause 15.1 clarified that if the seats remain vacant in private unaided / private minority colleges after all the CAP MOP-UP rounds, the said seats shall be filled in by the

institutes through the institutional level round with prior approval of the competent authority. The institution shall carry out the admission for these vacant seats on the basis of *inter se* merit from the list of NEET-PG 2020 eligible candidates as per the directions issued by the competent authority during the academic year 2020-2021. The competent authority - respondent no. 2 published a notice prescribing the schedule of admission at institutional level round for private unaided / minority medical and dental institutes. In the said notice, it is specifically mentioned that submission of application to the respective institutions / college shall be in person with photocopies of requisite documents. The candidates were directed to apply in person. It is contended that initially the list was published by respondent no. 5 as per the schedule, of all the candidates irrespective of having applied in person or through representative or e-mail and subsequently, the said list is corrected as per the guidance of respondent no. 2. As per the

guidance of respondent no. 2, the names of the candidates not applying in person but through representative or e-mail were excluded. The name of the petitioner only was not excluded but names of all the persons who had applied through representatives or e-mail were excluded. The petitioner, it appears, was hospitalised due to Covid-19 from 12.08.2020 and was discharged on 19.08.2020. The petitioner fortunately was asymptomatic. He was also advised to be quarantined up to 26.08.2020. The petitioner at the relevant time ought to have assailed the act of respondent in deleting his name from the list of eligible candidates. It appears that respondent no. 6 is admitted after 28.08.2020. The petitioner ought to have immediately assailed the action of the respondent. As per Clause 5 of the Procedure for Selection and Admission to Medical Post-graduate courses he could have also immediately approached the Commissioner, State CET Cell as he is the grievance redressal authority. Be that as it may, the petitioner filed this petition only on

09.09.2020 after the entire admission process was concluded.

18. The grievance made by the petitioner in the facts and circumstances of the case, more particularly, of one Mansi Shah and Amey Yeolakar not applying still their names shown in the admitted and / or selected candidates list are serious in nature. However, as far as the petitioner is concerned, the petitioner never applied in person or remained present with all the documents before respondent no. 5. It would be too late in the day now to assail and / or to submit that the petitioner was not required to submit the application in person but even the application through representative would be valid. The Clause does not only say that the petitioner should sent physical application but it states that the application should be submitted in person. It is not that the petitioner is treated differently. All candidates who had submitted their application through representatives were held ineligible as per the directions and the guidance of respondent

no. 2 to respondent no. 5. It is also submitted by the learned Counsel for respondent no. 2 that in none of the college, the admission is given to a candidate at the institutional round for PG course if he / she has not applied in person. In view of the fact that none of the candidates applying through representative or online are considered for admission to PG course at institutional level round and also fact that the petitioner did not approach this Court before the conclusion of the admission process, we need not dilate more on the said aspect and we do not consider it appropriate now to consider the prayer for cancellation of the admission of respondent no. 6.

19. This Court had directed respondent no. 2 to submit the report after conducting the enquiry. Respondent no. 2 directed respondent no. 3 who in turn constituted the committee to make an enquiry. Some of the excerpts of the enquiry report are reproduced as under-

Enquiry committee report/observations considering documents shown by the institute:

Procedure followed by admission committee:

1. After discussion with Admission Committee members, it was informed to us that applications were collected in an assigned area considering the COVID-19 Pandemic and necessary precautions.

2. A box was made, and applicants were asked to keep applications in the box.

3. Received applications were then checked by admission committee members and as per the SML number, Merit the list was prepared displayed on 20-08-2020.

4. Total 50 applications were received by the institute for the institutional round. [T (third party/representative) = 9, P (in person by the student) = 40 & Email: 1]

5. The applicants at Sr. No.1,2 & 3 applied through some representative and request letters were attached to their main application as shown by the institute to enquiry committee.

Applications forms of Sr.No.1,2&3 are attached for reference (ANNEXURE-2,3&4). It was observed by the enquiry committee that no where in the applications received, the admission committee has signed / upt remarks of scrutiny of application/any recommendations of committee submitted to Dean, ACPM Dhule.

As per the schedule of State Commissioner in the Notice No.26 Dated 04-8-2020, the last date for candidate to report to respective institute with all original documents and requisite fees for admission was from 21-8-2020 to 26-8-2020 up to 5 PM.

On 27-8-2020 list displayed showed, that Dr Shah Mansi Parag (merit No. 1 in the list displayed on 20-8-2020) was admitted for MS orthopedics. The copy of her selection is submitted by the petitioner in his petition (page No.32 Annexure-1 of petition) (ANNEXURE-5). This information was not shown to enquiry committee by institution. This was noted from petition.

On 27-8-2020, the institute seems to have uploaded another selection list. The admitted candidate in this list is Dr. Yeolkar Amey Vitthal (at Sr.No. 2 in the merit list of 20-8-2020).(ANNEXURE-6).

After checking the application form submitted to the committee, the applicant has not filled any preferences nor has applied for MS Orthopaedics and his preference form is blank. This seems to be a very gross error and negligence on part of admission committee.

No documents related to joining of Dr.Mansi Shah or Dr. Yeolkar Amey Vitthal was shown to the enquiry committee by the institute as per the guidelines given by the State Commissioner (respondent no. 2)

After Selection List that was displayed on 27-8-2020, Email communications were done by Dr. Shah Mansi Parag, Petitioner & Respondent No. 5 (ACPM Medical college) to State Commissioner.

1. On 27-8-2020, Dr. Shah Mansi Parag (1st in merit list dated 20-8-2020 of 3:00 PM) communicated to respondent No. 2 (State CET CELL) via email and informed that she has not applied for the said course allotted to her and falsely considered as admitted. The email communication copy is already submitted in petition. (Page No. 31 Annexure-H of petition).

The enquiry committee enquired about the email forwarded by

Dr.Mansi to the Dean and admission committee members. The Dean and admission committee members showed us the application submitted by Dr. Shah Mansi Parag. According to which, some third person/representative has submitted Dr.Shah Mansi Parag's application on 19-8-2020.

2. On 28-8-2020, the petitioner communicated his grievances via emails about the selection process to respondent No. 5. The email communication copy is already submitted in petition. (Page No.34,35 Annexure J & K of petition)

3. On 28-8-2020, after receiving the grievances of petitioner, the respondent no. 5 forwarded the email to the respondent no. 2 & 3 for guidance.

4. On 28-8-2020, the respondent No. 5 received email in reply from respondent No. 2. The instructions in this email from state commissioner were "you are directed to act as per the guidelines and accept applications received in person only"

All emails are collective attached as **(Annexure-7)**

Merit/selection/waiting list institutional round-2 (MS Orthopaedics) dated 29-8-2020:

After receiving above guidance email from the respondent No. 2, the respondent no. 5, did corrections and changed the list displayed on 20.08.2020 of 3:00 PM.

All candidates who have applied through third party/representatives/email were removed and only the names of the applicants were short listed who had submitted applications in person in the final corrected list displayed on 29-8-2020.

ANNEXURE-8(List of 20-8-2020) & ANNEXURE-9 (Corrected list 29-8-2020)

Notice of vacant seats Dated 31-8-2020 issued by the institute & attendance

1. On 31-8-2020 a notice was published by the institute; the applicants were asked to report at 2:00 PM for further necessary process. **(ANNEXURE-10).**

2. On 31-8-2020, at 2:00 PM only 2 applicants reported as per the list displayed on 29-8-2020 & the attendance report submitted by the institute to the enquiry committee. NEET-PG-2020, SML.No. 4116 & 5522 reported for admissions. **(ANNEXURE-11)**

Admitted candidate list, institutional round-2(MS Orthopaedics) dated 31-8-2020 of 4:00 PM:

As per the merit status of reported applicants, a student with NEET-PG-2020-SML 4116, Dr Rohit Singh (Respondent no.6) was selected for MS Orthopaedics course).

ANNEXURE-12

Final Report of admission committee dated 31-8-2020. ANNEXURE-13
Dr. Rohit Singh (SML.NO.4116) joined the MS Orthopaedic course.

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"Conclusion remarks noted by the enquiry committee:

1. The applicant Dr Shah Mansi was shown admitted although she has not applied for the course as per her complain to the state commissioner.

2. The applicant Dr Yeolkar Amey was allotted seat and shown admitted on 27-8-2020, although the applicant has not filled any preferences nor has applied for MS Orthopaedics and his preference form is blank. This seems to be a very gross error and negligence on part of admission committee.

3. As per the attendance records of 31-8-2020 and merit status of reported applicants, Dr. Rohit Singh (Respondent no.6) with NEET-PG-2020 SML-4116, was selected and joined the course MS Orthopaedics. This selection seems to be in accordance with guidelines issued by State commissioner.

4. Overall the enquiry committee feels that institution has not followed meticulously the instructions given in the Notification by the state commissioner (Respondent no.2)"

20. It would appear that Dr. Mansi Shah also filed complaint to the authority and the State Commissioner that she has not applied for the course. Dr. Amey Yeolakar was allotted seat and shown admitted on 27.08.2020, although, he had not filed any preference nor had applied for M.S. (Orthopaedic) course and his preference form is blank. The committee observed that the gross error is committed by the admission committee of respondent no. 5 - College.

21. Considering the observations of the committee we find that further probe is required to be conducted in the admission process of respondent no. 5 - College for institutional level round admissions of PG courses for academic year 2020-2021 and respondent no. 2 requires to arrive at a

finding about the manner of the admission process resorted to by respondent no. 5. The committee also concluded that the institution has not meticulously followed the instructions given in the notification by the State Commissioner.

22. In light of the above, we direct respondent no. 2 - State Common Entrance Test Cell to make a detailed enquiry of the admission process conducted by respondent no. 5 - Annasaheb Chudaman Patil Memorial Medical College, Dhule of institutional level round admissions for the PG 2020-2021 and if found guilty take stern action against respondent no. 5. The enquiry shall be commenced within four (04) weeks from the date of the order and concluded within eight (08) weeks from the commencement of the enquiry. The report of the enquiry and further steps / action undertaken be placed on record of the Court.

23. Writ Petition is accordingly disposed of. No costs.

24. In view of disposal of the writ petition, the civil application is also disposed of.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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