

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

1038 WRIT PETITION NO.7593 OF 2021

SUNIL LAXMANRAO KADAM

VERSUS

THE STATE OF MAHARASHTRA TR ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. S. R. Barlinge

AGP for Respondents/State: Mr. S. G. Karlekar

Advocate for Respondent Nos.3 & 4: Mr. Sanjay Kolhare & Mr. P.
S. Kochar

...

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

DATE : 12th October, 2021

P.C. :

1. The petitioner is suspended under order dated 08.06.2021 on the ground that the petitioner was in custody.

2. According to Mr. Barlinge, the learned counsel for the petitioner, the period of suspension cannot be more than the petitioner was in custody. The learned counsel relies upon the judgment of the Division Bench of this Court in the case of ***Madhukar Namdeo Patil Vs. Chairman, Sudhagad Education Society*** reported in ***2000 (4) Mh.L.J 206***.

3. Mr. Kolhare, the learned counsel submits that, though the suspension order refers to the judicial custody of the petitioner that

enquiries also contemplated and the same has been initiated against him. The respondent/management can suspend the petitioner during the pending enquiry also.

4. The order of suspension is basically issued on the ground that criminal case is filed against the petitioner and the petitioner was in police and judicial custody from 19.01.2021 up to 30.03.2021.

5. As per the judgment of the Division Bench of this Court referred to above, the petitioner would be deemed to be under the suspension till the period, the petitioner was in custody and not thereafter.

6. In case, the respondent/management wants to suspend the petitioner in pending enquiry, the respondent/management may do so in accordance with law.

7. In light of the above, the impugned order is quashed and set aside. Writ Petition is disposed of. No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)