

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

924 WRIT PETITION NO. 8429 OF 2021

**SANJAYKUMAR DADASAHEB KULKARNI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Petitioner : Mr. Ajunkya Reddy.
AGP for Respondent : Mr. S.P. Tiwari.

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.
DATED : 05.08.2021**

PER COURT :

We have heard Mr. Reddy, learned Advocate for the petitioner.

2. Learned Advocate submits that the Divisional Commissioner while passing the impugned order has not considered the contention of the petitioner in its proper perspective. Earlier the enquiry was conducted, the petitioner was exonerated by the enquiry officer. Again the second enquiry was conducted and punishment was imposed. The CEO did not have the authority to conduct again enquiry on the same charges. This aspect is ignored by the Commissioner while passing the impugned order.

3. We have heard the learned AGP.

4. The Commissioner in impugned order has remitted the matter to the CEO by setting aside the punishment imposed upon the petitioner. The petitioner can agitate all the grounds available to him before the CEO. The order of the Assistant Commissioner does not restrict the right of the petitioner to raise all grievances before the CEO. Whether the second enquiry was maintainable or not can also be raised before the CEO. As the matter is only remitted back, the petitioner has every opportunity to put his grievances before the CEO.

5. We are not inclined to entertain the petition.

6. Writ Petition is disposed of. No costs. All contentions are kept open.

(R.N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)