

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

WRIT PETITION NO. 11073 OF 2021

Piraji Laxman Khillari

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. U. R. Awate, Advocate h/f M/s. Talekar and Associates, for the
Petitioner.

Mr. S. K. Tambe, AGP for Respondent No. 1.

Mr. S. B. Pulkundwar, Advocate for Respondent Nos. 2 to 4.

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

DATED : 05th October, 2021.

PER COURT:-

. Mr. Awate, learned counsel for the petitioner submits that the order of suspension issued against the petitioner is malafide and arbitrary. On the basis of a complaint of Zilla Parishad member the petitioner is suspended. The employees against whom the petitioner had issued show cause notice and contemplated action had approached the Zilla Parishad member and instigated him to file complaint. The Chief Executive Officer ought not to have acted upon complaint of Zilla Parishad member who is not at all concerned with the affairs of the school. The petitioner is working as a Headmaster.

2. The learned A.G.P appears for respondent No. 1. Mr. Pulkundwar, learned counsel appears for respondent Nos. 2 to 4.

3. The order itself states that the suspension is pending enquiry. The petitioner is not suspended by way of punishment. At this stage, it will not be appropriate for us to consider the merits of the allegations. The same would be subject matter of an enquiry. It would be premature at this stage to give any finding as the suspension is pending enquiry and the petitioner is suspended only on 12.08.2021.

4. We are not inclined to entertain the present writ petition. The petitioner may take up appropriate remedies after a reasonable time if the enquiry is not concluded or may take benefit of the Government resolutions.

5. Writ petition accordingly is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.