

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 6549 OF 2021**

Mahesh Vijay Khot

... Petitioner

Versus

The State of Maharashtra and others

... Respondents

.....

Mr. Manoj Patil alongwith Mr. Y.B. Lengare for the Petitioner.

Mr. S.S. Panchpor, AGP for the State.

Mr. Ashish Gaikwad for Respondent Nos.5 and 6.

Mr. Ashok Pandire for Respondent No.7.

Mr. Ajit Ram Pitale for Respondent Nos.8 and 9.

Mr. Sandesh Patil instructed by Mr. Chintan Shah and Ms. Divya Pawar-Patil for Respondent Nos.10 and 19.

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CORAM : S.J. KATHAWALLA AND**MILIND N. JADHAV, JJ.****DATED : DECEMBER 3, 2021.****P.C. :-**

1. By the above Writ Petition, the Petitioner inter-alia prays for the following reliefs :

“(d) That this Hon’ble Court by way of appropriate Writ, Order or directions be pleased to direct the Respondent No.5 to complete the departmental enquiry against the Respondent No.9 to 11 within the stipulated period of three months.

(e) That this Hon’ble Court by way of appropriate Writ, Order or directions be pleased to direct the Respondent No.3, 4 and 5 to remove the Respondent No.8 from the post of the Sarpanch as per the provisions of section 39(1A) and further be pleased to disqualify the Respondent No.8 for

re-election for 5 years as per the provisions of Section 39(2) of the Bombay Village Panchayats Act, 1958.”

2. As far as prayer clause (d) is concerned, the Advocate representing Respondent No.5 states that an enquiry against Respondent Nos.9 to 11 has already commenced and the same will be concluded within six months from today. The statement is accepted. However, we make it clear that this Order is passed without going into the merits of the matter and the same shall not come in the way of the concerned authority giving any increment/promotion to the person/s against whom the departmental enquiry is pending and the issues pertaining to increments/promotions shall be decided strictly as per law. The enquiry too shall be held by following the procedure prescribed in law. All the contentions of the parties are kept open.

3. As far as prayer clause (e) is concerned, the concerned authority shall be at liberty to take action in accordance with law.

The above Writ Petition is accordingly disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)