

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.408 OF 2021

Ms. Pradnya Dnyaneshwar Patil ... Petitioner

- Versus -

The District Superintending Agriculture
Officer and others ... Respondents

Shri M.D. Lakhey, Advocate for Petitioner.

Shri A.M. Deshpande, Additional Government Pleader for
Respondents.

CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.

DATE : 27 JANUARY 2021

P.C. :

Heard learned Counsel for the parties.

2) The Petitioner was appointed as an Agriculture Assistant in the Sub-Divisional Agriculture Office at Wardha on 10 September 2007. The Petitioner was sent on deputation to the Office of respondent No.3. On 30 December 2020, the Petitioner addressed a communication to the Respondent No.2

to permit her to join duties. By the impugned communication dated 30 December 2020, the Respondent No.2 directed the Petitioner to give a bond of good behaviour on hundred rupees stamp paper that she will abide by the Service Rules in the light of the conduct of the Petitioner and her husband.

3) Shri Lakhey, learned Counsel for the Petitioner, submits that such a pre-condition of filing of a bond is not contemplated under the Maharashtra Civil Services (Conduct) Rules. Shri Deshpande, learned Additional Government Pleader for the Respondents, submits that the Petitioner being a Government servant, will have to approach the Maharashtra Administrative Tribunal.

4) In the ordinary circumstances, we would have directed the Petitioner to approach the Maharashtra Administrative Tribunal, but what we are more concerned is about usurpation of power beyond the Rules by the Respondent No.2. Nothing is shown how such a bond of good behaviour, that too due to the conduct of the Petitioner's husband, is contemplated under the Rules. Such condition of furnishing bond of good behaviour for joining back on duties, which is not traceable to any Rule, cannot be insisted upon. If the Government servant commits misconduct or is negligent, action as per the Rules can always be taken. The Respondents will, therefore, proceed to take necessary steps, without insisting on

the bond of good behaviour. With these observations, we dispose of the petition.

(ANIL S. KILOR, J.)

(NITIN JAMDAR, J.)

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Kamal
Jeswani

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by Kamal Jeswani
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