

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.416 OF 2021

Khan Maseera Firdose Khan
Riyaz Ahmed

... Petitioner

Versus

State of Maharashtra and others

... Respondents

Mr. A.J. Kadu, Advocate for Petitioner.

Ms. Kalyani Deshpande, AGP for Respondent No.1.

Mr. Abhijit Deshpande, Advocate for Respondent No.2.

Mr. N.R. Saboo, Advocate for Respondent Nos.3 and 4.

CORAM : NITIN JAMDAR &

ANIL S. KILOR, JJ

DATE : 2 FEBRUARY 2021

P.C.:

The Petitioner, who was a student of the Respondent No.4- College run by the Respondent No.3- Institution, has filed this Petition for the following relief :

“1. Issue appropriate writ, order or direction to quash and set aside the letter dated 16/01/2021 ANNEXURE-XI issued by respondent no.4 Principal, Pandit Jawaharlal Nehru Memorial Institute of Homeopathic Medical Sciences, Amravati in the interest of justice.”

2. We have heard the learned Counsels for the parties.

3. The communication dated 16 January 2021 refers to the two cheques issued by the Petitioner on 13 November 2017 and 30 March 2020. It is stated that the Petitioner deliberately gave the false and fabricated cheques and misled the Respondent No.3- Institution, as the cheques were dishonoured. It is stated that the Petitioner did not pay the fees and did not take the admission in the Respondent No.4- College after the results of the Second Year was declared.

4. The learned Counsel for the Petitioner submitted that the Petitioner had no such communication and the Petitioner was not communicated the fact of dishonour and whenever it was so communicated, the Petitioner has paid the amount. The learned Counsel for the Respondent No.3- Institution submitted that the communication dated 16 January 2021 is not the final order, but only a show cause notice and if the Petitioner chooses to file the explanation, the same will be considered before taking any final action.

5. In these circumstances, it is not necessary for us to adjudicate the rival contentions on merits. It is clarified that the communication dated 16 January 2021 is a show cause notice. The statements made therein would be considered as imputations against the Petitioner, which the Petitioner will be entitled to rebut by filing his response. Considering the fact that the Petitioner is a

student, the Respondent No.3- Institution will give audience to the Petitioner along with her father to explain the position. The Petitioner will first submit her written explanation within a period of one week. Thereafter, the Respondent No.3- Institution will call the Petitioner for an interaction and take a decision within a period of one week.

6. With the above observations, the Writ Petition is disposed of. No costs.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Lanjewar

Prashant
Lanjewar

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by Prashant
Lanjewar
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