

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

WRIT PETITION NO. 3310 OF 2021

(DR. BHIMRAO KARUJI MESHARAM...VS..STATE OF MAH. PUBLIC HEALTH DEPT. & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S.Khubalkar, Advocate for Petitioner.
Shri N.R.Patil, A.G.P. for Respondent No.1.

CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.

DATED : SEPTEMBER 03, 2021.

1. Heard.

2. The basic contention of the learned counsel for the petitioner is that at no stage of the enquiry the Disciplinary Authority has recorded findings regarding proving of the charges against the petitioner and also his further finding that the petitioner is guilty of the specified misconduct which has resulted in creating a handicap for the petitioner to defend himself effectively in the departmental enquiry proceedings. The further contention is that in the absence of any finding of guilt as regards any specified misconduct no punishment could have been proposed by the Disciplinary Authority. As we consider these submissions, it is noticed by us that these objections, though taken generally in the explanation submitted by the petitioner in response to the show cause notice dated 31st July 2019, have not been elaborated specifically by the petitioner.

3. At this stage, the learned counsel for the petitioner, seeks leave of this Court to withdraw the petition with liberty to file a detailed explanation with the objections of the petitioner before the Disciplinary Authority.

4. The leave with liberty, as prayed for, is granted.

5. The petitioner may submit his additional explanation along with the objections which he has taken in this petition in a specific manner before the Disciplinary Authority, within two weeks from the date of the order and if such additional explanation with objections is filed by the petitioner, the same shall be considered by the Disciplinary Authority, in accordance with law, within a period of three weeks from the date of filing of the additional explanation with objections. All other contentions are kept open.

6. The writ petition stands **disposed of** accordingly. No costs.

(ANIL S.KILOR,J)

(SUNIL B. SHUKRE,J)