

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

920 WRIT PETITION NO.5145 OF 2022

**CHANDRASHEKHAR DIGAMBERAPPA GOURSHETE
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY AND
OTHERS**

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Advocate for Petitioners : Mr. Sarvadnya Rohit S.
A.G.P. for the Respondent/State : Mr. S.B. Pulkundwar.

CORAM : MANGESH S. PATIL, J.
DATE : 07.06.2022.

PER COURT :

The petitioner is impugning the order passed by the Presiding Officer of the University and College Tribunal, Aurangabad dated 19.04.2022, preferred by him being aggrieved and dissatisfied by the dismissal of his complaint by the Grievance Committee by its order dated 24.11.2021.

2. I have heard the learned advocate Mr. Sarvadnya for the petitioner. The petitioner was serving as an Assistant Professor and on a complaint of alleged assault on a colleague he was put under suspension with effect from 11.03.2016. Preliminary enquiry was conducted which culminated in initiation of a disciplinary proceeding. Subsequently, the suspension was revoked and he claimed the entire salary for the period of suspension. Since his request was turned down, he had approached the Grievance Committee. Observing that the petitioner could renew his request after conclusion of the disciplinary enquiry it was dismissed.

3. Even in the impugned judgment and order the learned Presiding Officer of the University and College Tribunal has observed that since the disciplinary enquiry has reached the fag end, it would be appropriate

that it is allowed to be concluded and depending upon its decision the petitioner would be entitled to make a fresh request regarding payment of complete salary during the period of suspension.

4. The learned advocate for the petitioner strenuously tried to demonstrate as to how the provisions of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 are not applicable to the fact situation and therefore the observations of the Grievance Committee as also the Presiding Officer referring to and relying upon the provisions of those rules is improper and illegal.

5. The question as to whether the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 are in fact applicable or otherwise would be a matter which the petitioner would certainly be entitled to agitate even in the disciplinary proceeding. Pertinently, though he had approached the Grievance Committee pursuant to a liberty granted by this court in a Writ Petition whereby he was claiming full salary for the period during which he was put under suspension, he had subsequently modified the prayer and even had prayed for quashment of the disciplinary proceeding.

6. Admittedly, the issue was not independently raised anywhere except before the Grievance Committee. The disciplinary enquiry had started in the year 2017. It is for the first time in the year 2021 the petitioner had raised an issue regarding maintainability of the disciplinary enquiry. For all this period he had participated in the enquiry which now has reached the fag end of passing a final order and precisely for this reason the Presiding Officer by the order under challenge in the Petition refused to cause any interference.

7. Considering all the aforementioned facts and circumstances, in my considered view no fault can be found with the observations and the conclusions in the impugned order expecting the disciplinary enquiry to

reach a logical conclusion. Needless to state that it would be always open for the petitioner to raise all the grounds which are available to him in law. However, having once participated in the enquiry he cannot be permitted to raise the issue regarding its maintainability at the fag end.

8. The Writ Petition is dismissed.

(MANGESH S. PATIL, J.)

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