

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

**912 WRIT PETITION NO. 3545 OF 2015
WITH
CIVIL APPLICATION NO.10289 OF 2017
IN
WP/3545/2015**

**RANGNATH VISHNU RASKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Applicant : Mr. A.N. Nagargoje.
AGP for Respondent Nos. 1 and 2 : Mr. P.K. Lakhotiya
Advocate for Respondent Nos. 4 & 5 : Mr. V.D.Hon Senior
Advocate i/b Mr. A.V. Hon

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**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 29.04.2022

P.C. :

1. This petition was filed in this Court under Article 226 of the Constitution of India invoking the Writ of Mandamus against a Private Engineering College, who had levelled charges upon the petitioner and had initiated a departmental enquiry. Apparently, the issue of fundamental rights of the petitioner are not in question, inasmuch as, the employer is not within the meaning of 'State' under Article 12 of the Constitution of India. On this count the petition cannot be entertained.

2. The learned Senior advocate submits that the petitioner is no more, his L.Rs. are on record. The departmental enquiry has to be aborted in view of the demise of the petitioner.

3. Considering the above, this petition is disposed off.

4. Needless to state, the legal heirs of the deceased petitioner are at liberty to avail of a remedy as may be permissible in law.

5. Pending civil application would not survive and stands disposed off.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)

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