

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 10320 OF 2022
IN
WRIT PETITION NO. 3805 OF 2022**

**WITH
WRIT PETITION NO. 3805 OF 2022**

Yuvraj Dhondu Bhadane	}	Applicant
In the matter between		
Yuvraj Dhondu Bhadane	}	Petitioner
Versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. A. S. Rao i/b. Mr. Prashant Kamble for the petitioner/applicant.

Mr. M. M. Pable, AGP for respondent no. 1 (State).

Mr. Vijay D. Patil for respondents 2 and 3.

**CORAM: DIPANKAR DATTA, CJ. &
M. S. KARNIK, J.**

DATE: SEPTEMBER 30, 2022

P.C.:

1. This is an application for amendment of the writ petition. In the writ petition, the petitioner had challenged the decision of the respondent Corporation to conduct a preliminary inquiry to ascertain whether to draw up a disciplinary proceeding.

2. Law is well settled that even a challenge to a charge-sheet would not be maintainable unless, of course, the charge-sheet is shown to be issued by an authority without

jurisdiction or that the charge-sheet, taken on its face value, does not disclose any misconduct. We may profitably refer to the decision of the Supreme Court in **Union of India vs. Kunisetty Satyanarayana**, reported in AIR 2007 SC 906, where the Court, while considering a challenge to a charge-sheet, held the writ petition to be premature on the ground that a charge-sheet does not abrogate any right of an employee. This being the settled position with regard to challenge to a charge-sheet, we wonder as to how the petitioner could challenge holding of preliminary inquiry in the writ petition.

3. Be that as it may, since the preliminary inquiry has now been conducted and the petitioner seeks to challenge his suspension pending disciplinary proceedings we are of the view that the purpose for which this writ petition was instituted has worked itself out.

4. If at all the petitioner is aggrieved by the order placing him under suspension pending disciplinary proceeding, it shall be open to him to institute appropriate proceedings in accordance with law.

5. Reserving the aforesaid liberty, the writ petition stands disposed of without costs.

6. In light of the disposal of the writ petition, the interim application also stands disposed of.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

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signed by
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DASHARATH
PANDIT
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