

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 5360 OF 2015

Vijay Shridhar Navdikar ... Petitioner.
V/s.
The State of Maharashtra & Others ... Respondents.

Ms. Mallika R. Pujari i/b Mr. Ashok B. Tajane for the Petitioner.
Mr. V. M. Mali, AGP for the Respondent-State.
Mr. Neel G. Helekar for Respondents.

CORAM : NITIN JAMDAR AND
AMIT BORKAR, JJ.
DATE : 31 JANUARY 2022.
(Through Video Conferencing)

P. C. :

Heard learned counsel for the parties.

2. The Petitioner has challenged the order dated 11 May 2013 passed by the Respondent-Management reducing the increment for the year 2012-13.

3. The Petitioner was appointed on 10 August 1981 with the Respondent-Management as an Assistant Teacher. On 21 July 1986, the Petitioner was confirmed to the post of Assistant Teacher. By order dated 17 July 2012, pending inquiry, the Petitioner was placed under suspension. The inquiry committee was appointed by

the Respondent-Management by passing a Resolution on 8 September 2012. The inquiry committee recommended reduction of one increment of the year 2012-2013. The Petitioner retired on superannuation on 28 February 2013 and thereafter filed this petition.

4. The inquiry was held against the Petitioner on the charges of sexual harassment. The inquiry committee was constituted as per Rules wherein the students who alleged sexual harassment were examined. An opportunity was given to the Petitioner in respect of cross examination. After the inquiry the punishment of reduction of increment has been imposed. Considering the fact that the charges were serious and though the inquiry was initiated prior to the Petitioner's retirement and that the Petitioner has retired, the Respondent-Management proceeded to impose lesser penalty of reduction of the increment.

5. The learned counsel for the Respondent-Management pointed out that even the representative of the Petitioner at inquiry, who had submitted written say, had stated that though the charges are serious and considering the fact that the Petitioner has retired, minor punishment of reduction of increment be imposed.

6. Having considered the facts on record and that due inquiry has been conducted wherein the Petitioner was given an

opportunity and inspite of seriousness of allegations, lenient view has already been taken by the Respondent-Management, there is no case made for exercise of the writ jurisdiction.

7. The writ petition is rejected.

(AMIT BORKAR, J.)

(NITIN JAMDAR, J.)