

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2491 OF 2021

Suresh Chandra Patel

..... Petitioner

Vs.

The Board of Governor of the Indian
Institute of Technology, Bombay
and Anr.

..... Respondents

Mr.Ramesh Ramamurthy and Mr.Sai Kumar Ramamurthy
for the Petitioner

Ms.Kavita Anchan i/b M/s.M.V.Kini and Co. for the
respondents

**CORAM: S.V. GANGAPURWALA &
DHIRAJ SINGH THAKUR, JJ.**

DATED : JUNE 10, 2022

P.C.

1 The petitioner at the relevant time was the head of the Department of Earth Sciences in the Indian Institute of Technology, Bombay. Departmental enquiry was initiated against the petitioner. Charge sheet is issued against the petitioner. The same is assailed in the present Writ Petition.

2. The learned counsel for the petitioner strenuously

contended about the non-adherence to the procedure before issuance of charge sheet i.e. the fact finding report behind the back of the petitioner on the basis of the alleged enquiry conducted by a stranger to the institution i.e. SC/ST Cell. Some submissions are also made about the tenability of the charges on factual aspects.

3. The court in exercise of the jurisdiction under Article 226 of the Constitution of India would be slow in interfering with challenge to the charge sheet. During the course of the departmental enquiry, the petitioner can raise all possible defences available to him. All contentions of the petitioner would naturally be considered by the authorities during the course of the departmental enquiry. The principles of natural justice are also required to be adhered to during the course of departmental enquiry. The relevant documents, on which the respondents relies during the course of departmental enquiry, certainly will have to be provided to the petitioner. It is only after departmental enquiry is concluded, decision can be arrived at about the charges.

4. Today, it would be pre-mature to comment upon the

charges framed. This court would not pre-empt the decision upon the charges. In light of that, we are not inclined to entertain the Writ Petition.

5. It is made clear that we have not dealt with the merits of the contention of the parties. They are kept open to be considered during the course of departmental enquiry.

6. Writ Petition as such is disposed of. No costs.

(DHIRAJ SINGH THAKUR,J.)

(S.V. GANGAPURWALA, J.)