

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 201 OF 2021

(Shri Devidas Laxmanrao Shirbhate & Anr. Vs. Sant Gadge Baba Amravati University, thr. its Registrar,
Amravati & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri P.S. Patil, Advocate for the petitioners.
Shri S.S. Ghatge, Advocate for respondent No.1.
Shri A.S. Fulzele, Additional Government Pleader for respondent No.2/ State.
Shri S.N. Tapadia, Advocate for respondent No.4.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : SEPTEMBER 26, 2022.

The petitioners claim to be the Trustees of respondent No.4 – Society. It is alleged that there are two groups in the said Society and disputes amongst them are pending. According to the petitioners, on 8/8/2020, respondent No.3 who was serving as a Principal at the College run by respondent No.4 – Society came to be arrested in view of registration of Crime No. 222/2020 against him. He was in police custody for a period of more than 48 hours and hence it is urged on behalf of the petitioners that by virtue of Rule 4(c) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1973 (for short “the said Rules”), respondent No.3 ought to be treated to be under deemed suspension till conclusion of the trial.

On behalf of respondent No.4, it is submitted that initially on 17/8/2020, the Deputy Director of Higher Education, Amravati had directed that respondent No.3 be placed under suspension in view of provisions of Rule 4(2)(a) of the said Rules. However, subsequently on 22/8/2020, the order of suspension was revoked by respondent No.4. As a result, respondent No.3 continues to function as Principal. A reference is also made to the communication dated 21/1/2021 issued by the Joint Director of Higher Education in that regard.

We find that since the order of suspension is shown to have been revoked on 22/8/2020, it is for the petitioners to challenge the same in accordance with law if they are so aggrieved.

In that view of the matter, the declaration sought by the petitioners cannot be granted at this stage in view of the order of suspension having been revoked. With liberty to the petitioners to take such steps as are permissible in law if they are aggrieved by the order dated 22/8/2020, the Writ Petition is disposed of. No costs.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

SUMIT