

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.6137 OF 2022
(Madhuri Murari Madavi vs. The State of Maharashtra and others)

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

Shri S.P. Bhandarkar, Advocate for petitioner.
Shri A.M. Deshpande, I/c. Government Pleader for
respondent nos.1 to 3.
Shri N.B. Kalwaghe, Advocate and Shri P.P.
Deshmukh, Advocate for respondent no.4.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATED : SEPTEMBER 30, 2022

Heard Shri Bhandarkar, learned Counsel
for the petitioner, Shri Deshpande, learned I/c.
Government Pleader for the respondent nos.1 to 3,
and Shri Kalwaghe, learned Counsel for the
respondent no.4.

2) We have gone through the impugned
order passed by the Maharashtra Administrative
Tribunal, Nagpur and also the impugned transfer
order. We have also considered the submissions
made on behalf of the petitioner by her learned
Counsel in the light of the specific averments made
in paragraph 12 of the petition.

3) It appears that the averments made so specifically and in a detailed manner in paragraph 12 of the petition have not been made before the Maharashtra Administrative Tribunal as no reference has been made to them in the application filed before the Tribunal. But, it appears that there is already a Police complaint filed by the petitioner against the respondent no.4 about the alleged rowdyism, which had taken place at the time of obtaining charge from the petitioner and this rowdyism has been alleged to be committed at the behest of the respondent no.4. Shri Bhandarkar, learned Counsel for the petitioner, has also invited our attention to the video clip wherein whole incident of hooliganism and rowdyism allegedly at the behest of the respondent no.4 has been recorded. The allegations made in this regard by the petitioner are serious in nature and, therefore, it is necessary that appropriate enquiry is conducted into such alleged unpleasant conduct of the respondent no.4.

4) In our view, the respondent no.3 Collector, Yavatmal would be the appropriate Authority, who can make enquiry into the afore-stated allegations and make a report about his conclusions upon completion of enquiry. Accordingly, we direct the respondent no.3 to conduct an enquiry into the allegations made in

paragraph 12 of this petition by treating this petition as a complaint made to him and submit his objective and impartial report to the Maharashtra Administrative Tribunal, Nagpur for its appropriate consideration.

5) We grant liberty to the petitioner and also respondent no.4 to appear before the respondent no.3 Collector and submit their respective statements together with supportive material, if any, including video clips on which the parties are relying. We request the respondent no.3 Collector to complete his enquiry and submit his report to the Maharashtra Administrative Tribunal within two weeks from the date of appearance of parties before him. The petitioner and respondent no.4 shall appear before him on 10th October 2022. Meanwhile, we relegate the parties to the Maharashtra Administrative Tribunal for adjudication of their competing rights in accordance with law. We also direct the Maharashtra Administrative Tribunal to take its final decision as early as possible and in any case within six weeks from the date of receipt of the report from the respondent no.3 Collector. The State Government shall produce before the Maharashtra Administrative Tribunal all the orders and approvals as required under Section 4(4) and (5) of the Maharashtra Government Servants Regulation of

Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.

6) The pen drive submitted on record by the learned Counsel for the petitioner be returned to him.

7) The petition is disposed of in the above terms.

8) Copy of this order be furnished to the learned Counsel for the parties.

JUDGE

JUDGE

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