

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 WRIT PETITION NO.553 OF 2023

**MAYUR DIGAMBAR VISPUTE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS
AND**

903 WRIT PETITION NO.559 OF 2023

**GANESH PANNUSING SUNDARDE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS**

...

Mr. Mahesh R. Sonawane, Advocate for the petitioners
Mr. S. B. Pulkundwar, AGP for the respondents-State
Mr. A. B. Kadethankar, Advocate for respondent No.2

**CORAM : S.V. GANGAPURWALA, ACTING C. J. &
GAURI GODSE, J.**

DATE : 25th JANUARY, 2023

ORDER:

1. Mr. Sonawane, the learned Advocate for the petitioners, submit that the petitioners had participated in the selection process for the post of Junior Clerk-cum-Typist. They had appeared for the examination. The petitioner in Writ Petition No.553/2023 secured 171 marks and the petitioner in Writ Petition No. 559/2023 secured 177 marks, still, their names did not appear in the select list.

2. Mr. Kadethankar, the learned Advocate for respondent no.2-MHADA, submits that the petitioners are guilty of malpractice in the examination and F.I.R. has been lodged against the petitioners.

3. Mr. Sonawane, the learned Advocate for the petitioners, submit that the petitioners are innocent. Only on the ground of suspicion, the FIR is lodged against them. No overt act is attributed to them. The FIR, on the face of it, is erroneous. No enquiry is conducted by the authority.

4. It is not disputed that the FIR is already lodged against the petitioners. The petitioners may file application/representation with the respondents raising their grievance and putting forth their case as to how the allegations against them are erroneous. The respondent authority may consider the application/representation of the petitioners on its own merits and take decision with regard to the grievance put forth by the petitioners, expeditiously, preferably within six weeks from the date of application/representation.

5. It is for the respondents to take further course of action and decide whether to proceed ahead with enquiry or otherwise.

6. With the aforesaid observations, the writ petitions are disposed of. No costs.

7. It is made clear that we have not dealt with any of the contentions on merit.

(GAURI GODSE, J.)

(ACTING CHIEF JUSTICE)