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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4263 OF 2024

AABA BHAGWAT PATIL

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

.....Respondent

.....

Advocate for the Petitioner : Mr. R.D. KHADAP H/F. MS. MARWADI
KHUSHBU GHANASHYAM

AGP for Respondents: Mr. P.S. PATIL

CORAM : SMT. VIBHA KANKANWADI
& S.G. CHAPALGAONKAR, JJ.

DATE : 24TH APRIL, 2024.

P.C. :-

1. The present petition has been filed for issuance of a Writ of Mandamus or any other writ against respondent No.8 to initiate departmental inquiry against respondent No.4. Only condition is that direction should be from respondent Nos.1 to 3.

2. We have heard Mr. Khadap, holding for Ms. Khushbu Marwadi and learned AGP for respondents.

3. Perused the documents. The petitioners appear to be the Head Master of the school and respondent No.4 was the Head Master of respondent No.8. According to the petitioner, the respondent No.2 has

done some acts which could be said to be worth initiating departmental inquiry, for which even respondent No.8 had sought instructions from respondent No.3. However, said directions have not been issued.

4. Respondent No.8 is a private institution i.e. management. The management would be at liberty to take any administrative action as permissible under the MEPS Act coupled with Rules, against its employees, for which writ of Mandamus can not be issued. It cannot be said that there is a right in the petitioner seeking relief for asking initiation of the departmental inquiry and therefore, there is no merit in the petition. It deserves to be dismissed at the threshold and accordingly it is dismissed.

[S.G. CHAPALGAONKAR, J]

[SMT. VIBHA KANKANWADI, J]

grt/-