



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3103 OF 2024 IN
PUBLIC INTEREST LITIGATION NO. 47 OF 2021

Ashish Rajan Bhiwapurkar

VERSUS

The State Of Maharashtra
And Others

...

Mr. S. A. Vaidya a/w Mr. Balasaheb Magar, Mr. K. M. Raut & Ms. Saayni Nambiar, Advocates for the Applicant
Mr. Syed Imtiaz Jaleel, Petitioner in-person
Mr. A. S. Deshpande, Advocate for Respondent No. 1 in PIL

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CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ

DATE : MARCH 20, 2024

PER COURT :

1. The Applicant, Mr. Ashish Rajan Bhiwapurkar, who is original Respondent No. 19, has put forth prayer clauses 'A to D' as under:

(a) that this Hon'ble Court be pleased to suitably modify and/or recall the orders dated 30.06.2021, 08.07.2021, 07.07.2022, 18.08.2022 passed by this Hon'ble Court in the interest of justice.

(b) This Hon'ble Court be pleased to declare the enquiry conducted by the Enquiry Officer/Presiding Officer as bias and malafide and be further pleased to declare the entire enquiry as vitiated for not following due process of law in the facts and circumstances of the instant case;

(c) That this Hon'ble Court be pleased to issue show-cause notice for contempt of Court proceeding against the PIL Petitioner for filing false affidavit dated 17.06.2021 under the garb of order dated 17.06.2021 in the interest of justice;

(d) That pending the hearing and final disposal of the instant I.A. this Hon'ble Court be pleased to stay the further proceedings in the enquiry initiated against the Applicant in terms of the order dated 07.07.2022 in the interest of justice;

2. This matter was heard for quite some time.

3. The learned Advocate for the Applicant submits, on instructions, that the Applicant desires to withdraw this Civil Application. His only prayer is, that this Court may at least record for the satisfaction of the Applicant, that the Disciplinary Authority should act independently on the basis of the entire enquiry proceedings and should not be influenced by the pendency of this PIL.

4. We may clarify that in this PIL, neither the PIL Petitioner himself nor any person appearing in this matter had ever sought for this Court's intervention or indulgence in the enquiry proceedings. After the Disciplinary Authority passes the final order in

accordance with the procedure applicable, all the contentions of the Applicant are left open, if he is aggrieved by any order passed by the Disciplinary Authority.

5. With the above observations, this Civil Application is disposed off, as withdrawn on instructions.

(R. M. JOSHI, J)
Malani

(RAVINDRA V. GHUGE, J)