

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10212 OF 2023

Nitin Shivaji Jadhavar

VERSUS

The State Of Maharashtra Through Its Secretary And Another

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Advocate for the Petitioner : Mr. Jadhavar Rajendra Krishnath

AGP for Respondents/State : Mr. P.D. Patil

Advocate for Respondent No.2 : Mr. Patnurkar Vinayak. D.

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CORAM : S.G. MEHARE, J.

DATED : MAY 06, 2024

PER COURT:-

1. Contesting respondent no.2 has filed the reply. It be taken on record.
2. Heard learned counsel for the petitioner and learned counsel for the contesting respondent.
3. The petitioner has impugned the order of the Additional Commissioner passed under Rule 13 of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964.
4. Learned counsel for the respondent submits that against the impugned order, statutory remedy of revision under Rule 15 of the above Rules is available.
5. Learned counsel for the petitioner submits that the so-called amount of alleged misappropriation has already been deposited

with the Village Panchayat. He has produced the vouchers to that effect. The contesting respondent has no serious dispute about it. The employer/respondent is not deducting the money from his salary. Therefore, the petitioner has no reason to have an apprehension of recovery of the same amount again.

6. The law is well settled that where statutory remedy is available, the High Court should not exercise its jurisdiction unless such orders are without jurisdiction or exceeding the jurisdiction by the authority. The petitioner has no case as such. Therefore, the petition is not tenable.

7. In view of the above observations, statutory remedy of revision is available to the petitioner against the impugned order. The petition stands dismissed as not tenable. The time spent here should be considered for condonation of delay, if the revision is preferred.

8. No order as to costs.

(S.G. MEHARE, J.)