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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.10627 OF 2024
(THE STATE OF MAHARASHTRA, THROUGH PRINCIPAL SECRETARY,
REVENUE AND FOREST DEPARTMENT VS. JYOTI RAJARAM PAWAR)
IN
WRIT PETITION NO.3795 OF 2024

Ms.Neha Kamble, AGP for the Applicant/State.
Mr.S.S.Thombre, Advocate for the Respondent.

**(CORAM : RAVINDRA V. GHUGE AND
R.M.JOSHI, JJ.)**

DATE : OCTOBER 3, 2024

PER COURT :

1. The State has put forth prayer clause 'B', which reads as under :-

"B. This Hon'ble Court may kindly modify the order dated 15.04.2024 passed in WP No.3795 of 2024 and thereby the judgment dated 24.11.2023 passed by the learned Tribunal in Original Application No.792/2023 may kindly be stayed and suspended to the extent of directing the applicants to reinstate the respondent on the post from which she was suspended."

2. The Writ Petition is yet to be admitted. In the first hearing

on 15.04.2024, we have passed a reasoned order. Having noted the facts of the case and the Law applicable, we declined to stay the judgment of the learned Maharashtra Administrative Tribunal.

3, The Petitioner/State contends that after the Original Applicant was suspended, another person was appointed in her place. We are circumspect as to how this can be done ? When a person is suspended, there is neither a disengagement nor a termination of employer employee relationship. Be that as it may, we are not required to deal with the contention of the Petitioner/Applicant that liberty be granted to the State to transfer the Original Applicant. Since this is not an issue addressed to the Court, the Civil Application is rejected.

(R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)