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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12212 OF 2024**

Balasaheb Kashinath Rakshe

.... Petitioner.

V/s

The State of Maharashtra and Ors.

.... Respondents.

Mr S.B. Talekar a/w Ms. Madhavi Ayyappan, Mr. Chagan Thakare &
Mr. Tushar Wankhede i/b Talekar & Associates for the petitioner.

Mr. B.V. Samant, Addl. G.P. a/w Mrs. T.D. Goswami, AGP for
respondent-State.

**CORAM: A.S. CHANDURKAR &
RAJESH S. PATIL JJ.**

DATE: 13th September, 2024

P.C.:-

1] The challenge raised in this writ petition is to the ad-interim order dated 26/08/2024 passed by the Administrative Tribunal in Original Application No.1059 of 2024. In the said Original Application, the petitioner who holds the post of Education Officer (Primary) has challenged his order of suspension dated 23/08/2024. The learned Member, Maharashtra Administrative Tribunal was of the view that reply from the State Government would be necessary before considering the aspect of grant of interim relief. Being aggrieved the petitioner has approached this Court.

2] It is not necessary for us to go into the merits of the impugned order of suspension as the petitioner's challenge to the same is

pending before the Tribunal. The respondents have filed their affidavit-in-reply through the Joint Secretary, School Education and Sports Department, Mantralaya. The reply filed in this writ petition can always be relied upon by the respondents before the Tribunal. In addition, they can be permitted to file further documents/affidavit if so warranted. It is informed by the learned Additional Government Pleader that presently the charge of office of the petitioner is with the Education Officer (Secondary). As of today, no other Education Officer (Primary) has been posted in place of the petitioner. It is also brought to our notice that alongwith the petitioner, one Mr. Rajesh Kankal, Education Officer, Mumbai Municipal Corporation (Education Department) had also been suspended on 10/09/2024. The Additional Secretary has revoked the said order of suspension insofar as Mr. Rajesh Kankal, Education Officer, Mumbai Municipal Corporation (Education Department) is concerned. Considering all these facts, following directions would serve the ends of justice:-

(i) Within a period of one week from today that is till 20/09/2024 the respondents shall be at liberty to file additional affidavit/documents on record. The petitioner shall be at liberty to file rejoinder, if any.

(ii) Within a period of two weeks of the pleadings being complete, Tribunal shall consider the prayer for interim relief as made by the petitioner on its own merits.

(iii) It would also be open for the Tribunal to decide the proceedings finally on merits expeditiously.

(iv) It is clarified that we have not gone into the merits of the impugned order and all aspects are kept open for being decided by the Tribunal.

3] With these directions, writ petition is disposed of.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]