

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 17405 OF 2024

Vipul Kumar Singh. ... Petitioner
Versus
Union of India & Ors. ... Respondents.

Mr. Vicky Nagrani, for the Petitioner.
Mr. Neel G. Helekar a/w. Mr. Kanhaiya S. Yadav, for Respondent Nos. 2 to 4.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 2nd DECEMBER, 2024

P.C. :

1. We have perused the order dated 20th August, 2022 passed by this Court [Nitin Jamdar (as His Lordship then was) and M.M. Sathaye, JJ], passed in Writ Petition No. 8802 of 2024 filed by the present Petitioner. For clarity, we are reproducing paragraph Nos. 16, 17, 18 and 19, here under :-

16. We find merit in the contention of the Respondent-Institute that the Petitioner is raising only technical grounds to somehow stall the inquiry. If there are lacunae in the inquiry the consequences can always ensue to the detriment of the Respondents. Therefore the contention of Petitioner regarding approval by the Chairman of the Board of Governors is hyper-technical to be made a ground to set aside the memorandum and

interfere at this stage of the inquiry. Once the Board of Governors of the Institute has taken a conscious decision to proceed against the Petitioner in the departmental inquiry, the Petitioner will have to face the said inquiry. To give an opportunity to the Petitioner we clarify that it is open to the Petitioner to raise the same if the inquiry is concluded against the Petitioner.

17. The second ground raised by the Petitioner that no misconduct is made out by bare reading of the memorandum, is without any merit. The memorandum refers to a forensic report which indicated the involvement of the Petitioner in creating the electronic communications, which according to the Respondent - Institute is maligning the reputation of the Institute. Indulging in an act unbecoming of a government servant and maligning the reputation of the employer-institute are misconducts under the governing Rules which are quoted in the Memorandum itself.

18. Similarly, there is no merit in the contention of the Petitioner that a complaint was made against the Director- Respondent No.4 and therefore, the Director could not have issued the order of suspension. The order of suspension was a sequitur of the decision of the Board of Governors and was issued with the approval of the competent authority.

19. In these circumstances, this is not a case where writ jurisdiction needs to be exercised for interference in an ongoing inquiry. The Petitioner will have full opportunity to put forth his case and raise all such contentions that may be available in case the decision in the inquiry is against the Petitioner.

2. This Court has, therefore, made it abundantly clear that after the conclusion of the departmental proceedings, if an adverse order is

passed, the Petitioner can approach the Court and raise all the grounds. The Petitioner approached the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No. 25211 of 2024. By order dated 4th November, 2024, the Hon'ble Supreme Court recorded that it was not inclined to interfere with the impugned Judgment and Order passed by the High Court. The Special Leave Petition was dismissed.

3. As of now, the Enquiry Officer's report has been served upon the Petitioner. A 60 pages reply is said to have been submitted by the Petitioner to convince the Management that they should disagree with the Enquiry Officer's report and exonerate the Petitioner. The reply is served on 21st November, 2024.

4. The learned Advocate for the Management submits that the Management is studying the report. No order is yet passed. He further submits that the Petitioner has been frequently rushing to the High Court. Even in the Departmental Enquiry, the Petitioner has made every effort to delay the proceedings. He keeps challenging every aspect of the proceedings only with the intention of prolonging the D.E.

5. In view of the above, though this Court has granted liberty

to the Petitioner to raise all the grounds, it is made adequately clear by the order dated 28th August, 2024 that the Petitioner can raise a grievance after the departmental proceedings are concluded. He is at liberty to raise all grounds only after the D. E. results in any decision by the Management. The Management is yet to pass any order.

6. In view of the above, this Petition is filed prematurely. We do not intend to entertain the Petition in the light of the earlier order of this Court and the order of the Hon'ble Supreme Court. **This Petition is, therefore, disposed off.**

7. Needless to state that the Management will have to consider the 60 pages reply set out by the Petitioner and thereafter, pass a reasoned order. If the order is adverse to the Petitioner, he will naturally have a right to assail the same on all grounds.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

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