



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 423 OF 2024

(Sunita d/o Sudhakar Demapure ..vs.. The State of Maharashtra and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Yogesh Shukla, Counsel for the petitioner.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 18-01-2024

The petition is moved seeking quashing of the decision dated 22nd November, 2023 wherein the enquiry proceedings are initiated against the petitioner.

2. According to the petitioner, show cause notice dated 23rd June, 2023 was served on the petitioner on 30th June, 2023 which is duly replied by the petitioner vide reply dated 05-7-2023. According to the petitioner, though the petitioner was initially placed under suspension, subsequently she was reinstated. However, the departmental proceedings are continued. The petitioner would claim that there was no occasion for the respondents to consider and deal with the reply given by the petitioner to the show cause notice and still the enquiry proceedings are being continued against her. According to the petitioner, without considering the reply the departmental proceedings are initiated and served charge-sheet on 22nd November, 2023.

3. The fact remains that against the order of suspension, the petitioner had approached this Court in Writ Petition No. 5510/2023 wherein similar arguments were canvassed.

4. However, since the petitioner's suspension was revoked, she had agreed for disposal of the petition as infructuous.

5. The fact remains that the said issue sought to be canvassed in the aforesaid writ petition and was given up by the petitioner while disposing the petition as infructuous.

6. That being so, in our opinion, the said issue no more can be open for argument in support of her claim in this petition of she being charge-sheeted or is required to face the departmental enquiry.

7. Even otherwise, the petitioner has every right to resist the departmental enquiry by filing her reply and setting up her defence.

8. That being so, no case for causing interference in extra ordinary jurisdiction is made out.

9. The petition is dismissed.

10. Needless we clarify that the present order shall not adversely affect the right of the petitioner to contest the departmental proceedings on merits as we are not appreciated the nature of charge framed against the petitioner.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

adgokar