



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7901 OF 2025

Dnyaneshwar Shamrao Malave

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. Kale Ajeet B., for Petitioner.
- Mr. , AGP for Respondent.

CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.

DATE : 31st JULY 2025.

P. C. :

1. Heard learned counsel for the petitioner.
2. By this petition, the petitioner is seeking a direction to the respondent No.2 to decide a representation dated 13th March 2025, filed by the petitioner requesting for initiation of disciplinary proceedings against respondent Nos.3 to 5. The petitioner is further seeking a direction to respondent No.2 to initiate departmental enquiry against the respondent Nos.3 to 5 and to place them under suspension pending outcome of the said enquiry.
3. The petitioner is aggrieved because he had to face a departmental proceeding on the basis of certain allegations made against him. Eventually, after detailed enquiry no substance was found

in the allegations and the report absolved the petitioner of all the charges.

4. According to the petitioner, respondent Nos.3 to 5 are responsible for such allegations being levelled against him, which included preparation of false record, resulting in the petitioner suffering harassment.

5. It is in this backdrop that the petitioner approached the respondent No.2 – Chief Executive Officer of the Zilla Parishad, to initiate departmental enquiry against respondent Nos.3 to 5. According to the petitioner, failure on the part of the respondent No.2 to act upon his request gives cause of action to file the present writ petition. Reliance is placed on Rule 6 of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules 1964, Government Circular dated 18th January 2013 and Government Resolution dated 13th May 2025. According to the learned counsel for the petitioner, the aforesaid Government Circular and Government Resolution read with the Rule 6 of the aforesaid Rules indicate that an appropriate writ can be issued to respondent No.2 to decide the representation / application moved by the petitioner before the said respondent seeking initiation disciplinary proceedings against

respondent Nos.3 to 5.

6. We have considered Rule 6 of the aforesaid Rules, Government Circular dated 18th January 2013 and the Government Resolution dated 13th May 2025. We are unable to agree with the learned counsel for the petitioner that the aforesaid Rule and the said executive instructions issued by the respondent – State can be the basis to file the present writ petition to seek a particular writ / direction against the respondent No.2.

7. The root cause of the grievance of the petitioner is his belief that respondent Nos.3 to 5 acted in a manner that caused immense harassment to him, as he had to face disciplinary proceedings, which ultimately resulted in the petitioner being absolved after detailed enquiry.

8. We are of the opinion that the belief of the petitioner that he is entitled to approach the respondent No.2 for initiation of disciplinary proceedings, thereby giving rise to cause of action to file the present writ petition is misplaced. The grievance of the petitioner could perhaps be addressed by approaching the appropriate Court to seek compensation for the harassment from the persons responsible for

such harassment or to file proceedings for defamation or some such other cause of action.

9. We are unable to agree with the learned counsel for the petitioner that the set of circumstances on which the petitioner relies gives rise to cause of action to file the present writ petition. This Court in such circumstances, cannot exercise powers to issue a writ of mandamus or any such other writ for granting reliefs as claimed in the present petition.

10. The writ petition is dismissed. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)