



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

40 WRIT PETITION NO.8416 OF 2025

SUREKHA ADHAR BORSE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the petitioner : Mr.D.R.Irale Patil

AGP for Respondent-State : Mr.S.G.Joshi

Advocate for Respondent nos. 2 and 3 : Mr.Rakesh N. Jain

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 17.11.2025

P.C. :

1] Heard the learned counsel for the petitioner, so also, the learned counsel for the respondents.

2] The learned counsel for the petitioner submits that this Court, by order dated 31st July, 2024 in Writ Petition No.6890 of 2023, in identical fact situation, had considered that the Disciplinary Authority had not independently applied its mind to the findings recorded by the Inquiry Officer against findings on each charge and considering the said fact this Court remanded the matter back to the Disciplinary Authority by setting aside the orders passed by the Disciplinary Authority as well as by the Additional Divisional Commissioner.

3] The learned counsel for the respondent nos.2 and 3 – Zilla Parishad has not disputed the factual position.

4] Considering the same, the Writ Petition is allowed. The impugned order dated 30.04.2019 passed by the Chief Executive Officer, Zilla Parishad, Nandurbar i.e. respondent no.2 as well as the order dated 04.01.2020 passed by the Divisional Commissioner, Nashik Division, Nashik i.e. respondent no.1 are hereby quashed and set aside. The matter is remitted back to the Disciplinary Authority i.e. respondent no.2, who shall apply his mind to the findings recorded against each charge in the enquiry report and representation made by the petitioner and then pass fresh reasoned order within a period of twelve [12] weeks from the date of production of this order and communicate the same to the petitioner.

5] Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC