



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

38 WRIT PETITION NO. 7045 OF 2023

GANPAT SHAMRAO LOKARE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

Mr.M.C. Swami, Advocate for the petitioner.

Mr.P.D. Patil, AGP for the respondent-State.

Mr.S.S. Manale, Advocate for respondent No.4.

CORAM : KISHORE C. SANT, J.

DATE : 29.01.2025

PC :-

01. Heard learned Advocates for the parties. By consent, taken up for final disposal at the stage of admission.

02. The petitioner is a teacher working in a Zilla Parishad School. He was charge-sheeted for committing misconduct in the school. As much as seven charges were levelled against the petitioner. The charges are as under :-

- i. Indecent behaving with minor girl students.
- ii. Mis-behaviour with girl students and sexual assault. Touching the girl students inappropriately & making gestures at girl students.
- iii. Mis-behaviour with lady staff working in the school.
- iv. Asking girl students to change clothes in front of the petitioner.

- v. Committing acts which brought disrepute to school.
- vi. Not performing duties properly.
- vii. Causing obstruction in the official work of the superiors.

03. A show cause notice was issued on 01.03.2016 along with charges. Pursuant to the show cause notice further Enquiry Committee was constituted. The Enquiry Officer submitted report to the Education Officer on 03.06.2016. It is submitted that all the charges are proved on the basis of evidence. On receipt of the Enquiry Report, again a notice was issued to the petitioner asking him as to why no action be taken against him. Notice was issued on 29.01.2017. The explanation offered by the petitioner was not accepted by the Chief Officer and he passed order dated 27.03.02018, bringing down the petitioner to the lowest pay-scale in the time scale.

04. The petitioner challenged the said order by filing an appeal before the Divisional Commissioner, Aurangabad. The Divisional Commissioner, Aurangabad was pleased to dismiss the appeal confirming the order passed by the Chief Officer, Zilla Parishad, Latur. The petitioner is, thus before this Court.

05. The main submission of the learned Advocate for the

petitioner is that for the very same charges i.e. Charges Nos.1 to 5, a criminal case was registered against the petitioner, bearing Special Case (POCSO) No. 37 of 2015. In the said case, he is acquitted by the Special Judge. The material witnesses are not examined in the Departmental Enquiry. At last he submits that the punishment imposed is disproportionate to the charges proved against the petitioner. He thus prays for quashing and setting aside the impugned action against him.

06. Learned Advocate Mr. Manale for the Zilla Parishad opposes the petition. He pointed out the Enquiry Committee report and the evidence produced before the Enquiry Officer. He submits that from the evidence it is seen that charges are clearly established. The degree of proof that is required in the criminal trial is much higher than one required in the Departmental Enquiry. He submits that there is nothing to show that the enquiry was conducted in perverse manner or order is unreasonable. He justifies the order passed by the authority.

07. Learned AGP also supports the impugned order.

08. Having heard the parties, this Court finds that no case is made out pointing out any perversity in the impugned order. No case is

made out calling for interference while exercising powers under Article 227 of the Constitution of India. This Court is satisfied that proper evidence was before the Enquiry Officer. There is no merit in the petition. The petition stands dismissed with no order as to costs.

[KISHORE C. SANT, J.]