



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12236 OF 2025

Popat Yauhan Shinde

VERSUS

The State Of Maharashtra Through Secretary And Others

...

- None for the Petitioner
- Mr S. D. Ghayal, Addl.GP for Respondents/State

...

CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.

DATED : OCTOBER 06, 2025

PER COURT :

1. In the morning session, the learned Advocate holding for Mr. U. U. Wagh for the petitioner sought time on the ground that the advocate on record is unable to appear before the Court. When clear reason for the absence of advocate on record was not stated, as in spite of circulating the matter, he cannot afford to remain absent, unless he shows reasonable ground. We had granted him the opportunity to appear through VC in the afternoon session.

2. In the afternoon session, the learned advocate holding for the advocate on record was also absent and had not given his appearance in the first session, the advocate on record is likewise not present through VC.

3. The petitioner has submitted that he belongs to SC Category. It is alleged that respondent No. 4 – management is protecting its employee, who has committed offence under Section 354 (C), 504, 506 of IPC and Section 3(1)(w)(i), 3(1)(r) and 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. (*in short 'the Atrocities Act'*).

4. After giving reasons and facts, which led to the lodging of FIR vide Crime No. 79 of 2024, with Pathardi Police Station, it is stated that respondent No. 4 ought to have removed the said teacher who has committed the offence. It is stated that a representation has been made by the petitioner on 04.08.2025 to the Collector, Ahilyanagar and the copy has been given to respondent Nos. 2 and 3 for the suspension of the said teacher and that should be decided. The petitioner was seeking writ of mandamus or for direction which is stated to be under provisions of suspension to be under the provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and Rules 1981.

5. The learned AGP places on record a copy of the order passed by this Court in Criminal Application No. 1985 of 2024, decided on 04.07.2025, with companion matters, wherein the proceedings in Special Case No. 179 of 2024, pending before the learned Special Judge under the Atrocities Act, Ahmadnagar is to be quashed and set

aside to the extent of the offences punishable under Section 3(1)(r) and 3(1)(s) of Atrocities Act. However, then it was stated that for rest of the charges, the matter should proceed, i.e. under Section 354-C, 504, 506 of Indian Penal Code and Section 3(1)(w)(i) of Atrocities Act.

6. The first and the foremost fact, i.e. required to be noted is that the petition appears to be tainted with vengeance, the matter is yet not decided i.e. Special Case No. 179 of 2024, the other details have been suppressed by the petitioner regarding whether the concerned teacher who is in the employment of respondent No. 4 has been granted anticipatory bail or not lodging of the FIR will not ipso-facto be a step for termination or suspension, there are rules to the defect. The termination or suspension desired by the petitioner is on the basis of act of moral turpitude. It is yet to be proved. Under such circumstances, no such writ can be issued as prayed.

7. The petition stands dismissed at the threshold.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)