

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4543 OF 2024

Ganesh Laxman Jadhav .. Petitioner
Vs.
The State of Maharashtra and Ors. .. Respondents

Mr. Shailesh S. Kharat, Advocate for the Petitioner.

Smt. R.A. Salunkhe, Assistant Government Pleader for the Respondents.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 10TH JANUARY 2025.

PC. :

1. The challenge raised in this writ petition is to the judgment passed by the learned Members, Maharashtra Administrative Tribunal dated 14th February 2019. By the said judgment, the Original Application bearing No.587 of 2015 preferred by the petitioner challenging the order of dismissal of the petitioner pursuant to disciplinary proceedings came to be dismissed.

2. We have heard the learned counsel for the petitioner as well as the learned Assistant Government Pleader for the respondents.

3. It is seen that during the course of enquiry, sufficient opportunity was made available to the petitioner to cross-examine the witnesses examined by the Department. The petitioner failed to do so. The Enquiry

Officer has thereafter considered the evidence on record and has held the charge as framed against the petitioner to be proved. The Appellate Authority thereafter considered the matter and affirmed the order of dismissal. The punishment imposed is under Rule 3(4) of the Maharashtra Police (Discipline and Appeal) Rules, 1969. We therefore do not find that the Tribunal committed any jurisdictional error when it refused to interfere with the order of punishment.

4. The learned counsel for the petitioner seeks to urge that the evidence on record was insufficient to visit the petitioner with the penalty of removal. We do not find that the aspect of sufficiency of evidence can be gone into in exercise of writ jurisdiction. The evidence on record has gone unchallenged as the petitioner did not avail his right of cross-examination. The petitioner being a Member of a disciplined force was expected to conduct himself in a responsible manner. The other submission urged is that for indiscipline, the punishment of removal could not have been imposed also does not warrant any acceptance.

5. In that view of the matter, there is no case made out for this Court to exercise jurisdiction under Article 226 of the Constitution of India. The writ petition is dismissed.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]