



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 3873 OF 2025

Mahesh Prabhakar Deshmukh

vs.

State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N. D. Thombre, Advocate for petitioner.
Mr. H. R. Dhumale, AGP for respondent nos. 1 to 3.

CORAM :- ANIL S. KILOR and MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 4th AUGUST, 2025

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Heard learned counsel for the parties.

2. The petitioner by raising a challenge to his suspension as 'Pharmacist Class-III', approached the Maharashtra Administrative Tribunal (for short, 'the Tribunal') and prayed for grant of stay to the suspension order. However, on 21.07.2025 the learned Tribunal denied to grant interim relief and posted the matter after one month i.e. on 20.08.2025, which gave cause to the petitioner to approach this Court.

3. Shri Thombre, learned counsel for the petitioner submits that learned Tribunal ought to have decided the prayer of the petitioner for grant of interim relief by calling the reply of the State. Instead without considering the case of the petitioner in right perspective, the Tribunal straightway rejected the prayer of the petitioner for grant of interim stay by observing that the suspension order cannot be stayed at this stage.

It is further argued that no reasons are recorded while rejecting the prayer for interim relief which shows that the case of the petitioner was not at all considered by the Tribunal.

4. On the other hand, Shri Dhumale, learned Assistant Government Pleader supports the impugned order.

5. In the light of the rival submissions, we have perused the record. It appears that the only ground that the petitioner has an opportunity to prove his defense that he is falsely implicated and is unnecessarily suspended, the prayer for interim relief of the petitioner was rejected. Thus, it appears that the ground raised by the petitioner that he has been falsely implicated, has not been considered by the Tribunal to *prima facie* reach the conclusion whether there is any substance in the submission of the petitioner. In such matters, if the Court after considering the material on record, comes to a *prima facie* opinion that the applicant is falsely implicated in some matter and unnecessarily to victimise him, the suspension order came to be passed/issued, the Tribunal in such matters can consider the prayer for interim relief for stay to the suspension.

6. However, it appears that such mode has not been adopted by the Tribunal and only on the ground that, in the enquiry proceedings the petitioner has every opportunity to establish that his suspension is on the basis of false implication in alleged misconduct, amounts to recording no reasons on merit for rejection of the interim relief.

7. In that view of the matter, we allow the petition. The impugned order dated 21.07.2025 is hereby quashed and set aside and remand the matter back to the learned Tribunal for consideration of the prayer for interim relief, afresh.

8. The learned Assistant Government Pleader makes a statement that by **08.08.2025** the respondent-State shall file a reply to the Original Application as well as to the prayer for interim relief.

9. We request the Tribunal to hear the matter on **11.08.2025** on the point of interim relief and decide the same afresh.

10. The writ petition stands allowed in aforesaid terms. No order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)

Andurkar.