



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

WRIT PETITION NO.6875 OF 2025

PRASHANT S/O GANGADHAR SAGALE

VS

STATE OF MAHARASHTRA, THR. PRINCIPAL SECRETARY, HOME
DEPARTMENT, MUMBAI AND ORS.

*Office Notes, Office Memoranda of Coram,
Appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. M.R. Khan, Advocate for the petitioner/s
Mr.N.S. Rao, AGP for the respondents/State

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.

DATE : 17.11.2025

1. Heard.
2. Initiation of the departmental inquiry against the petitioner, after 16 years of service, who is working as Police Constable (Driver), was the reason to raise a challenge in the present petition.
3. It is the case of the respondent-State that, in view of Rule 139(5) of the Maharashtra Police Manual Rules, 1999, it is mandatory for a Police Constable to clear the basic training course within two chances. The petitioner, however, failed to do so despite several opportunities granted to him, as reflected from the communications dated 18.03.2004, 14.05.2007, 12.08.2009, 29.07.2015, 28.09.2017, and 16.11.2017.
4. The petitioner challenged initiation of enquiry by filing the Original Application before the Maharashtra Administrative Tribunal (Tribunal). However, he failed in

the same, which gave cause to the petitioner to file the present petition. The learned Tribunal, while dismissing the Original Application, has recorded following reasons :

“8. The applicant would submit that during long period of 16 years no punitive action was taken and therefore, initiation of enquiry at the verge of retirement is unjust. We are unable to accede said submission because, admittedly, applicant has not completed the basic requirement of police training. True, Rule 139 of Maharashtra Police Manual, 1999 provides to remove the employee if, in two chances, the candidate did not succeed in the training course. It is evident that the department was too lenient since it did not took action for long 16 years, but it does not mean that after lapse of long period, the applicant is immuned from the basic requirement. Therefore, it is not possible to accept the applicant's contention that the departmental enquiry is unsustainable.

9. It is applicant's contention that though the Tribunal directed vide order dated 11.06.2018 that no coercive action shall be taken, however, his permanency benefits have been withdrawn vide order dated 21.07.2018, which is unjust. We fail to understand as to why till date departmental enquiry has not been proceeded further. The order of the Tribunal dated 11.06.2018 does not mean that the departmental enquiry was stayed. Rather, the Tribunal was not inclined to grant interim stay and explained that during departmental inquiry, the applicant will get an opportunity to defend himself. In any way, the applicant

*cannot bypass the basic requirement due to passage of time. Initiation of departmental enquiry for not obeying the orders of attending basic course would be just and befitting to the Rules. In these circumstances, there is no merit in the contention that the departmental enquiry is unsustainable. So far as the order of withdrawal of permanency dated 21.07.2018 is concerned, it is a consequential order flown from inaction on the part of applicant. In the circumstances, **the original application carries no merit, hence, dismissed.** Accordingly, pending C.A., if any, stands disposed of. No order as to costs.”*

5. Having gone through the observations made by the learned Tribunal and since the petitioner failed to point out any perversity in the same, we do not find any merits in the present petition. Accordingly, the petitioner fails.
6. However, considering the request made at this stage by the learned counsel for the petitioner, we direct the respondents not to give effect to any order passed adverse to the petitioner at the conclusion of the departmental inquiry, for a period of 15 days from the date of such order.
7. The petition is **disposed of** in the above terms.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)