



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

WRIT PETITION NO. 1891 OF 2026

Ajay jagan Vyawhare
VERSUS
The State of Maharashtra and others

Ms. P. R. Wankhade, Advocate for petitioner
Ms. N. B. Kamble, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 23rd February, 2026

PER COURT :-

1. Not on Board. Upon mentioning, taken on Board.
2. On 18.02.2026, as the matter could not reach, it has been now posted on 24.03.2026 however, the learned Advocate for the petitioner submits that a *de novo* Departmental Enquiry has been initiated and the witness would be examined tomorrow. We had asked learned AGP to get the instructions. She places on record a gist of the matter and submits that though the preliminary Enquiry Report was given, it was not accepted by the Disciplinary Authority and the Disciplinary Authority in view of the provision under Rule 9(2) of the Maharashtra Civil Services Rules, 1979 conducting the said inquiry.
3. The gist is taken on record by marking Exhibit 'X'. Certainly,

time is required to be given to the respondents to respond. However, at the same time, if a *de novo* Enquiry as has been tried to be posed by the petitioner then petitioner should also not be taxed and, therefore, we direct the Disciplinary Authority not to proceed with the Departmental Enquiry till 24.03.2026.

4. Issue notice to respondents.

5. Learned AGP waives notice for respondent Nos. 1 to 4.

6. In the meantime, there shall be affidavit-in-reply on behalf of respondent Nos. 1 to 4 to be filed on or before 18.03.2026. Copy of the same be given to other side, in advance.

7. Notice of respondent No. 5 is made returnable on 24.03.2026.

8. Place the matter for further consideration **High on Board** on 24.03.2026.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi