

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3603 OF 2026

Deepak Babudas Vaishnav

...Petitioner

Versus

State of Maharashtra

Through Its Principal Secretary & Ors.

...Respondents

Mr. Abhijit A. Desai with Mohini A. Rehpade with Vijay Singh with Daksha Pungha with Deepesh Ramrakhiani i/b Desai Legal LLP for the Petitioner.

Ms. Kavita N. Solunke, Addl.G.P. with Ms. V. S. Nimbalkar, AGP for the Respondent-State.

CORAM : SUMAN SHYAM &

SHYAM C. CHANDAK, JJ.

DATED : 24th APRIL, 2026

P.C. :-

1) Heard Mr.Desai, learned Counsel for the Petitioner and Ms.Kavita Solunke, learned AGP appearing for the Respondent Nos.1 to 4.

2) This Writ Petition is directed against the Order dated 26th February, 2026 passed by the learned Maharashtra Administrative Tribunal, (for short “MAT”), Mumbai declining the interim relief as prayed for by the Original Applicant. Original Application No.189 of 2026 was instituted by the Writ Petitioner as Applicant making twin challenges (a) Challenge to show cause notice dated 23rd January 2026 for alleged

misconduct which occurred in the year 2018, and (b) the Order dated 16th February 2026 by which the Original Application was transferred and posted by the State Commissioner in a different post. The challenge to the show cause notice dated 23rd January 2026, is on the ground of delay in issuing the said notice inasmuch as, according to the Petitioner, the show cause notice could not have been issued after a lapse of more than seven years since the date on which alleged misconduct had occurred.

3) Insofar as the transfer order is concerned, the case of the Original Applicant is that the previous transfer order was issued only on 26th September 2025, posting the Petitioner in the present post and therefore, the subsequent order dated 16th February 2026 issued within a period of four months, is arbitrary and in violation of the rights of the Petitioner. Therefore, the same is liable to be quashed.

4) The learned Tribunal had declined interim relief as prayed for, primarily on the ground that the show cause notice for delay could not be stayed without giving an opportunity to other side to file reply. Insofar as the transfer order dated 16th February 2026 is concerned, it has been observed that despite the change in posting, the Original Applicant has remain in the same city and therefore, it was not a fit case for grant of interim relief.

5) Mr. Desai, learned Counsel for the Writ Petitioner submits that although the proceeding is pending before the Tribunal, yet, due to frequent adjournments sought by the Respondents, no practical purpose would be

served unless an effective interim order of protection is passed by this Court.

6) Ms. Kavita Solunke, learned AGP, on the other hand, submits that since the Original Application is pending and considering the ground on which the interim relief has been declined, there is no scope for interference of this Court in the matter. She, however, undertakes, on behalf of the department, to file reply within three weeks before the Tribunal.

7) Insofar as the show cause notice dated 23rd January 2026 is concerned, the same apparently relates to misconduct allegedly committed by the Petitioner way back in the year 2018. Therefore, unless there is cogent explanation for the delay in issuance of the show cause notice, further action thereunder may not be permissible under the law. In view of the above, pending filing of reply by the department, we are of the view that all further action pursuant to the impugned show cause notice dated 23rd January 2026, calls for suspension. However, since the transfer of the Petitioner is within same city, we find ourselves in agreement with the observations of the learned Tribunal that no interim order of stay is called for against the said order.

8) We, therefore, dispose of the Writ Petition, at the admission stage by providing that all further action pursuant to the show cause notice dated 23rd January 2026, shall be kept in abeyance until the prayer for interim relief is considered on merit by the learned MAT. Insofar as the prayer for stay of the transfer order dated 16th February 2026 is concerned,

the same may also be considered afresh by the learned Tribunal after the reply is filed and pass a reasoned order. Reply of the Respondents be filed within three weeks by serving a copy on the Original Applicant.

9) With the above observations, the Writ Petition is disposed of.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)