
(2016) 12 BOM CK 0035
In the Bombay High Court
Case No : Writ Petition No. 5285 of 2015

Shri Popat Pandharinath Sutar	Vs	APPELLANT
Member of Bar Association		RESPONDENT

Date of Decision : 09-12-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 1 MhLJ 833

Hon'ble Judges : Anoop V. Mohta and A.S. Gadkari, JJ.

Bench : Division Bench

Advocate : Ms. Rebecca Gonsalves, Advocate, for the Respondent Nos. 2 and 3;
Mr. D.J. Shejul, Advocate, for the Petitioner

Final Decision : Dismissed

Judgement

Anoop V. Mohta, J.(Oral) - Heard finally.

2. The petitioner who is a licensed Petitioner-Writer and working accordingly in the Civil Court Junior Division, Karmala, District Solapur, has filed the present petition thereby challenging the order / communication dated 06/04/2015 whereby his license dated 20/06/2001, as issued under the provisions of para 626, Appendix B of the Civil Manual, was suspended. The reason for suspending his license was duly noted and considered after holding the inquiry, which was conducted after giving an opportunity to the petitioner to participate and even to cross-examine the witnesses so brought in by the department. The affidavit-in-reply dated 30/09/2015 filed by respondent nos.2 and 3 reflects the events which has remained undisputed. Those are recorded in paras 4 to 9 which as follows :

"4. I say that on 9/1/2014, when the Court of Shri S.V. Jadhav the then Civil Judge Junior Division, Karmala was in session, the Petitioner created a hue and cry in the office of the Assistant Superintendent, as well as in the Court Hall. A report dated 13/1/2014 regarding the above incident was submitted by the Civil

Judge Junior Division, Karmala to the office of the Principle District and Sessions Judge, Solapur. A copy of the report is annexed herewith as Exhibit "A".

5. On 29/1/2014, the Civil Judge appointed the Jt. Civil Judge Junior Division, Shri J.G. Pawar as the Inquiry Officer in respect of the said incident. The Petitioner was given notice regarding the inquiry. The evidence of eight witnesses including the Petitioner was recorded, in the presence of the Petitioner. The Petitioner was given the opportunity to put suggestive questions to the witnesses. The Petitioner participated in the inquiry, and a full opportunity was given to him to do so. Shri J.G. Pawar submitted his findings vide his report dated 8/7/2014 to the Civil Judge Junior Division. A copy of the report is annexed herewith as Exhibit "B".

6. Thereafter also, complaints were received regarding the Petitioner therefore, on 6/11/2014, the Jt. Civil Judge Junior Division, Shri J. Pawar was appointed as the Inquiry Officer.

7. During the pendency of the inquiry, on 25/3/2015, the Petitioner once more created a hue and cry, and misbehaved in the Court of the Civil Judge Junior Division, Karmala, Shri J.G. Pawar. The Petitioner entered the Court of Shri J.G. Pawar, and started shouting, "Raju Galke is going to murder me. You are not doing anything." Shri J.G. Pawar tried to reason with him, but he did not stop shouting. Therefore, a complaint was lodged with Karmala police station u/s 110 and 117 of the Bombay Police Act in this regard. A copy of the said complaint is annexed herewith as Exhibit "C".

8. The Inquiry Officer Shri J.G. Pawar appointed on 6/11/2014, gave an opportunity to all the parties concerned to make their submissions. The evidence of eleven witnesses including the Petitioner was recorded, in the presence of the Petitioner. The Petitioner participated in the inquiry, and a full opportunity was given to him to do so. Shri J.G. Pawar submitted his findings vide his report dated 2/4/2015 to the Civil Judge Junior Division. A copy of the report is annexed herewith as Exhibit "D". The said report found him guilty of the complaint/s alleged against him.

9. Shri J.G. Pawar, the Jt. Civil Judge Junior Division addressed a letter dated 4/4/2015 to the Respondent No. 2 requesting the Respondent No. 2 to take appropriate action against the Petitioner. A copy of this letter is annexed herewith as Exhibit "E". The Respondent No. 2 vide the order dated 6/4/2015 directed that the license of the Petitioner would stand suspended with immediate effect. A copy of this order is annexed herewith as Exhibit "F".

3. The incident, though the petitioner was working since 2001 in the Civil Court Junior Division, Karmala, District Solapur, but while the Court was in session, he misbehaved in the Court, as recorded apart from the other findings. Such misconduct was rightly taken note of. No case is made out by the petitioner to interfere with the order/action so initiated by the respondents. It is also in the backdrop that after holding the inquiry by following the due procedure of law and

by giving the opportunity to the petitioner, the decision so taken is based upon the report, apart from the complaint against the petitioner filed with the Karmala Police Station. We see there is no infirmity and illegality in the orders so passed. The action is well within the framework of law and the record.

4. Even otherwise, taking overall view of the matter, we see there is no case made out by the petitioner to interfere in the writ jurisdiction under Article 226 of the Constitution of India. The petition is dismissed.

5. There shall be no order as to costs.