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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8665 OF 2026

JITENDRA SHANKAR NIJASURE
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Dr. Dilip Kajale …Petitioner

Versus

Gokhale Institute of Politics and Economics and Ors. …Respondents

WITH
WRIT PETITION NO.8677 OF 2026

Dr. Prakash Vankhade …Petitioner

Versus

Gokhale Institute of Politics and Economics and Ors. …Respondents

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Mr. Mihir Desai, Senior Advocate, i/b. Ms. Sanskriti Yagnik for the Petitioner.

Mr. Pandit Kasar for Respondent Nos.1 and 2.

Shri P.P. Kakade, Addl. G.P. with Ms. Priyanka Chavan, AGP for the State.

CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ

Reserved on : 22ND JULY 2026

Pronounced on : 5TH AUGUST 2026

J U D G M E N T : Per R.I Chagla, J.

1. These Writ Petitions have been heard together as the issue raised is the same and the orders bearing the same date viz.

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17th October 2025 by which the respective Petitioners have been suspended by the Chancellor of the Respondent No.1 - Gokhale Institute of Politics and Economics ('Institute') as well as the Orders dated 4th June 2026 by which the Chancellor of the Respondent No.1 – Institute has ordered continuation of inquiry proceedings already initiated, in accordance with applicable rules, have been impugned.

2. The Petitioner in Writ Petition No.8665 of 2026 had been appointed on contractual basis as Assistant Professor of Agricultural Studies/Economics at the Respondent No.1 – Institute on 8th January 2014 and was regularized as a permanent employee at the Respondent No.1 – Institute on 6th February 2024. He was appointed by the Vice Chancellor of Respondent No.1 – Institute as Associate Dean of Faculty on 3rd June 2024. Whereas the Petitioner in Writ Petition No.8677 of 2026 had been appointed as Associate Professor in Economics on 1st September 2023 and thereafter as Associate Dean (Academic Research) on 8th January 2025.

3. A Government Resolution had been issued by the Respondent – State on 22nd April 2025 which provided under Clause 1(A) (i) that if a departmental or judicial inquiry had not been

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initiated within a period of three months from the date of suspension, then the suspension cannot be continued. The Competent Authority would accordingly have to reinstate the suspended employee. This was in line with the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 ("MCS Rules, 1979").

4. The incident which gave rise to the impugned suspension orders took place on 5th May 2025 as a result of one Mr. Naresh Bodkhe, a colleague of the Petitioners, who according to the Petitioners had provoked them by making baseless and unsubstantiated remarks which they claim were defamatory and caused serious damage to their professional standing and personal dignity. On the date of the incident, the Petitioners claim to have visited the office of Mr. Bodkhe to seek clarity with regard to the alleged misinformation claimed to be damaging their professional integrity and requested Mr. Bodkhe to stop mental harassment and damage to their reputation.

5. This led to Mr. Bodhke filing a written complaint on 6th May 2025 against the Petitioners, which the Petitioners claim falsely narrated the said incident.

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6. The Petitioners received a notice on 8th May 2025 regarding their alleged misconduct on Institute premises. The said notice referred to the allegations of misconduct against them by Mr. Bodkhe in his complaint filed on 6th May 2025.

7. The Petitioners filed written explanations on 10th May 2025 within the given time period wherein they denied the allegations and claim to have explained the true events that transpired inside Mr. Bodkhe's office on 5th May 2025.

8. The Petitioners not having received any response to their written explanations continued fulfilling their duties at the Respondent No.1 – Institute.

9. The Petitioners received the impugned suspension orders dated 17th October 2025 issued by the Respondent No.2 – Officiating Deputy Registrar of the Respondent No.1 – Institute initiating disciplinary inquiry against the Petitioners and immediately suspended them from service. The impugned orders barred the Petitioners from entering the Respondent No.1 – Institute's premises during the pendency of the investigation but entitled them to

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subsistence allowance.

10. The Petitioners thereafter filed their respective replies whereby they requested the Chancellor of Respondent No.1 – Institute to revoke their suspension on the premise that the said incident had no relation to the day-to-day functioning of Respondent No.1 – Institute and that the incident was a false concoction created by said Mr. Bodhke.

11. The three months period since the issuance of the impugned suspension orders lapsed on 17th January 2026. The Petitioners claim that it was incumbent on the Respondent No.1 – Institute to reinstate the Petitioners in accordance with the G.R. dated 22nd April 2025.

12. The Petitioners claim that the Respondent No.1 – Institute in failing to reinstate the Petitioners, despite not issuing any order extending the impugned suspension orders within the said period of three months, is in violation of principles of natural justice.

13. A prior Writ Petition No.3185 of 2026, being a composite

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Writ Petition on behalf of both Petitioners was filed before this Court.

14. By an Order dated 7th April 2026, this Court directed that the matter be listed on a subsequent date viz. on 16th April 2026. On that date, during the pendency of the said Petitions, the Respondent No.1 – Institute served the charge sheets on the Petitioners.

15. This Court by an Order dated 17th April, 2026, directed the Respondent No.6 – Chancellor of the Respondent No.1 – Institute to treat the Writ Petition No.3185 of 2026 as an appeal against the suspension orders dated 17th October 2025 and pass a reasoned order in accordance with law.

16. The Petitioners submitted comprehensive replies to the charge-sheet including the Statement of Allegations dated 16th April 2026 on 30th April 2026.

17. The Petitioners raised written objections to the initiation of inquiry proceedings.

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18. The Respondent No.1 – Institute by their communication dated 29th April 2026 stated that in view of not having received a stay order from this Court, they are legally entitled to continue with the disciplinary proceedings.

19. The impugned orders dated 4th June 2026 were passed by the Respondent No.6 – Chancellor of Respondent No.1 – Institute by which it was ordered that the inquiry proceedings already initiated shall continue in accordance with the applicable Rules.

20. Being aggrieved by the impugned Orders of suspension as well as the impugned Orders continuing the inquiry proceedings, Writ Petition No.7354 of 2026 came to be filed by both the Petitioners.

21. By an order dated 8th July 2026, the Writ Petition No.7354 of 2026 was allowed to be withdrawn with liberty to file fresh separate Writ Petitions.

22. Accordingly, the Writ Petition No.8677 of 2026 and Writ Petition No.8665 of 2026 have been filed by the Petitioners.

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23. During the course of arguments, Mr. Mihir Desai the learned Senior Counsel for the Petitioners fairly stated that though the first prayer in these Petitions seek quashing and setting aside of the impugned suspension orders dated 17th October 2025 and the second prayer seeks quashing and setting aside of the impugned Order of the Respondent No.6 – Chancellor dated 4th June 2026 continuing the inquiry proceedings, the Petitioners are only pressing their first prayer by raising the issue viz. whether the impugned suspension orders can extend beyond three months if the charge sheet has not been filed and/or served on the Petitioners within the said period of three months and/or no reasoned order passed during that period for extension of the suspension.

24. Mr. Desai has placed reliance upon the judgment of the Supreme Court in ***Ajay Kumar Choudhary v. Union of India Through its Secretary and Anr***[1], at paragraph 21, wherein the Supreme Court has directed that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee. If the memorandum of charges/charge-sheet is

1 (2015) 7 Supreme Court Cases 291.

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served, a reasoned order must be passed for the extension of suspension. He has submitted that the Supreme Court has thus made it clear that the suspension order cannot extend beyond three months where the charge-sheet has not been served on the delinquent officer/employee. He has submitted that in such circumstance the suspension order lapses and that the delinquent officer/employee is required to be reinstated in the position he occupied prior to the suspension order.

25. Mr. Desai has also placed reliance upon GR dated 22nd April 2025 which provides under Clause 1(A)(i) that if a departmental or judicial inquiry had not commenced against the suspended employee within the period of three months from the date of the suspension, his suspension cannot be continued after the expiry of three months and he would be required to be reinstated.

26. Mr. Desai has also referred to the judgment of the Division Bench of this Court in ***Kiran Ramesh Waghela v. Municipal Corporation of Greater Mumbai & Ors***[2]. at paragraph 29 -31. The Division Bench of this Court has considered the judgment of the

2 2021 SCC OnLine Bom 14127.

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Supreme Court in ***Ajay Kumar Choudhary (Supra)*** and held that it is clear from this decision that the impugned order which extends beyond three months and during which period no charge-sheet has been filed cannot be allowed to remain in operation. The said decision has also placed reliance on the judgment of the Delhi High Court in ***Government of NCT Delhi v. Dr. Rishi Anand***[3], which holds that any extension beyond the period of three months where no charge sheet has been filed would require a reasoned order for such extension.

27. Mr. Desai has submitted that in light of the aforesaid decision of the Supreme Court as well as of this Court and from a reading of the said GR dated 22nd April 2025, the impugned suspension Orders cannot extend beyond the period of three months from the date of suspension, in view of no charge-sheet having been issued and/or served upon the Petitioners within the said period of three months. Further, a reasoned order has not been passed for extension of the suspension. Thus, the impugned suspension orders would lapse and the Petitioners are required to be reinstated in the positions they were occupying prior to the passing of the suspension

3 Writ Petition (C) No.8134 of 2017 and C.M. No.33423 of 2017 decided on 13th September 2017.

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order.

28. Mr. Pandit Kasar, the learned Counsel for the Respondent Nos.1 and 2 has submitted that the reason for non issuance of the charge sheet and/or service of the charge sheet, during the period of three months from the date of suspension has been provided in the charge-sheet issued on 16th April 2026 viz. that the delay in issuance of the charge-sheet was attributable to the Institution decision making process of the Executive Council. The Executive Council had met on 10th October 2025 and considered the complaint and recommended initiation of disciplinary action and suspension. This was followed by the action taken in issuance of the suspension Orders. It was only due to the next meeting of the Executive Council not being convened within the three months from the date of suspension, and having been convened only on 20th March 2026, that no charge sheet was issued within the said period of three months from the date of suspension. It was at the meeting held on 20th March 2026 that the matter was further deliberated and necessary approval was accorded for issuance of the charge sheet, which accordingly was issued on 16th April 2026.

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29. Mr. Kasar has further submitted that in the GR dated 22nd April 2025, it is provided that in the event a decision is taken to extend the suspension period beyond three months then the extension should be of minimum period. Also the extension of suspension cannot be more than a six month period at one time. He has submitted that the GR thus provides for an extension beyond the period of three months from the date of suspension. He has accordingly submitted that the impugned suspension orders are very much in operation and have not lapsed. Further, by the order dated 4th June 2026, the Respondent No.6 – Chancellor of the Respondent No.1 – Institute had continued the inquiry proceedings against the Petitioners after examining the Appeal submitted by the Petitioners in compliance with the Order dated 17th April 2026 passed by this Court in prior Writ Petition No.3185 of 2026.

30. Having considered the submissions, the issue which has been raised by the Petitioners is whether the suspension order can extend beyond a period of three months in the event of the charge sheet not being issued and/or served on the delinquent officer/employee and there is no reasoned order passed for such extension of suspension during that period.

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31. The Supreme Court in ***Ajay Kumar Choudhary (Supra)*** at paragraph 21 has directed that the currency of the suspension order should not extend beyond three months if within that period a charge-sheet is not served on the delinquent officer/employee and if the charge sheet is served, a reasoned order must be passed for extension of the suspension. From a plain reading of the said decision it is clear that in the event the charge-sheet is not issued and/or served on the delinquent officers/employees within the period of three months from the suspension order, the suspension order can in no event be extended. This would also be the case where beyond the said period of three months, satisfactory reasons are given for extension of the suspension.

32. In the present case, admittedly no charge-sheet had been issued and/or served on the Petitioners within the period of three months from the impugned suspension orders. The said period of three months lapsed on 17th January 2026. The reason given for non-issuance of the charge-sheets within the period of three months from the suspension Orders, is borne out from the charge-sheet issued on 16th April 2026 wherein it is stated that the intervening period viz. the period between the suspension orders and issuance of

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the charge-sheets, was attributable to the institutional decision making process of the Executive Council. This reason apart from being given beyond the period of three months from the suspension Orders which in our reading of the aforesaid decision of the Supreme Court is impermissible, is unsatisfactory. In view thereof, the currency of the suspension orders cannot extend beyond the period of three months and the Petitioners would be required to be reinstated to their respective positions which they occupied at the Respondent No.1 – Institute prior to issuance of the suspension orders.

33. The Supreme Court decision in ***Ajay Kumar Choudhary (Supra)*** also fell for consideration before the Division Bench of this Court in ***Kiran Ramesh Waghela (Supra)***. It was held therein that it is clear from the decision of the Supreme Court that the impugned suspension order which extends beyond three months and during which period no charge-sheet has been filed cannot be allowed to remain in operation. The adequate safeguards of the currency of the suspension order not extending beyond three months if charge sheet is not served on the delinquent officer/employee is in aid of the universally recognized principle of human dignity and the right to a speedy trial and also preserve the interest of Government in the

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prosecution. Thus such imposition of a limit on the period of suspension would not be contrary to the interest of justice.

34. The reliance placed by the Respondent Nos.1 and 2 on the GR dated 22nd April 2025 and in particular where it is provided that suspension order may extend beyond three months if the decision of extension is taken and that such extension would be of minimum period viz. not more than a six month period at one time, to contend that the suspension order may be extended beyond three months, is misplaced. The said GR pre-supposes that a decision for extension of the suspension is taken within the three months from the date of suspension. Further, under Clause 1(A)(i) it is expressly provided that where there is no judicial action commenced against the suspended Government employee which would include issuance and/or service of charge-sheet within the period of three months from the date of suspension then in such case, the suspension cannot be continued after the expiry of the three month period. The Respondent No.1 – Institute would be required to reinstate the suspended candidates in that event.

35. Accordingly, we allow the present Petitions by setting

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aside the impugned suspension orders dated 17th October 2025.

36. The Respondent No.1 – Institute is directed to reinstate the Petitioners to the position they occupied prior to the issuance of the impugned suspension orders dated 17th October 2025 which, by this Order have been quashed and set aside.

37. It is made clear that the inquiry proceedings which have been continued against the Petitioners vide order dated 4th June 2026 issued by Respondent No.6 – Chancellor of the Respondent No.1 – Institute shall continue according to the prescribed procedure and applicable Rules. The inquiry committee shall conduct the proceedings independently and ensure due opportunity is provided to all concerned parties in conformity with the principles of natural justice.

38. Writ Petitions are accordingly disposed of in the above terms. There shall be no order as to costs.

[FARHAN P. DUBASH, J.] **[R.I. CHAGLA J.]**

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