

Chaand Mohammad Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Aug-07-2013

Appellant : Chaand Mohammad

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Sanjay Seth, Shri. J.P.Dhimole

Judgement :

W.P.No.18502/2012 (Chaand Mohammad ..versus State of MP and another) 07-08-2013 Shri Sanjay Seth and Shri J.P.Dhimole, learned counsel for the petitioner.

Heard on the question of admission and interim relief.

The petitioner has filed this petition being aggrieved by the order dated 18-10-2012 by which the petitioner has been suspended.

It is submitted by the learned counsel for the petitioner that another person, namely, Sharad Dubey who had also been given similar notice has not been suspended on his submitting apology while the petitioner has been suspended and therefore the act of the respondent/authorities is discriminatory.

It is further submitted that the impugned order has been issued without considering the petitioner's representation or reply and is therefore mala fide.

Having heard the learned counsel for the petitioner it is observed that admittedly the impugned order is appealable and there is also a provision of filing an application for revocation of suspension before the authorities which remedy has not been availed by the petitioner.

In the circumstances, the petition filed by the petitioner is disposed of with a direction to the effect that in case the petitioner files either an appeal or an application for revocation of the impugned suspension order before the competent authority by taking up the issues alongwith a copy of the order passed today and a copy of the petition within fifteen days of obtaining the same, the concerned authority shall consider and decide the same in accordance with law expeditiously preferably within a period of three months thereafter.

However, it is made clear that this court has not expressed any opinion on the merits of the case and therefore the authority would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter either accept or reject the representation/application by passing a reasoned order.

With the aforesaid directions, the petition filed by the petitioner stands disposed of.

C.C.as per rules.

(R.S.Jha) Judge mct

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