

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (STAMP) NO. 16692 OF 2015
IN
CIVIL REVISION APPLICATION NO. 409 OF 2014

Rajashri Shau Shikshan Sanstha & Anr. .. Petitioners
vs.
Smt. Revati Subhash Hawaldar & Ors. .. Respondents

Mr. Tanaji Mhatugade for Petitioners.

CORAM : M. S. SONAK, J.
DATE: 30 JUNE 2015

P.C. :-

1] **Not on board. Upon production, taken on board.**

2] The original respondent in CRA 409 of 2014 seeks review of order dated 6 May 2015. The learned counsel for the review petitioner, by placing reliance upon the decision of this Court in the case of *Gadegbaba High School & Anr. vs. Pandhari Tukaram Kamble & Anr.*¹ delivered by the learned Single Judge of this Court, contends that in the light of reliefs prayed for in the plaint, proceedings before the civil Courts were maintainable and the decision of the Full Bench in the case of *St. Ulai High School & Anr. vs. Devendraprasad Jagannath Singh*² was distinguishable.

1 2013 (3) Bom. C.R. 189

2 2007 (1) Mh.L.J. 597

3] Having perused the review petition as also the decision of the learned Single Judge of this Court, this Court is of the opinion that the suit as instituted by the review petitioner was, in effect, questioning the termination of service. Accordingly, the Full Bench decision clearly apply and the civil Courts had no jurisdiction to examine the legality and validity of termination of services. Accordingly, there is no case made out to exercise review jurisdiction.

4] In the order dated 6 May 2015, liberty has been granted to the review petitioner to institute an appeal questioning the termination of her services. In case, such appeal is instituted by the review petitioner, i.e. the respondent in CRA 409 of 2014 within a period of four weeks from today, the same shall be considered on merits by the School Tribunal, without going into the issue of limitation.

5] With the aforesaid observations, review petition is disposed of.

6] All concerned to act on authenticated copy of this order.

(M. S. SONAK, J.)