

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Civil Application (C.A.O.) No.1398 of 2013 in M.C.A. St. No.17024 of 2013 in
Writ Petition No.2575 of 2012 (D)

Ku. Vijaymala d/o. Marotrao Sonone .vs. State and Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.G.M.Bagade, Adv. for the applicant.
Mr.A.S.Fulzele, A.G.P. for respondent nos. 1 to 3.

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : 12th JANUARY, 2015.

Civil Application No.1398 of 2013 and M.C.A. St. No.17024
of 2013

Heard.

Prayer is to condone delay in filing Misc. Civil Application seeking review of order of this Court dt.8.8.2012 in Writ Petition No.2575 of 2012. In that Writ Petition, challenge was to order of suspension. This Court has noted the contention that it was suspension pending inquiry. The Writ Petition was, therefore, disposed of.

Mr.G.M.Bagade, learned Counsel for the applicant submits that, after the Writ Petition was disposed of, departmental enquiry was illegally conducted and the applicant was reduced in rank. That reduction was questioned before the School Tribunal and the School Tribunal ultimately allowed the appeal and restored the applicant to her post as a Headmistress. However, again an enquiry has been ordered. The learned Counsel contends that, thus, the enquiry ordered by the President, who has no

authority to function as such, is creating problems for the applicant and her prospects have been adversely affected.

The learned A.G.P. has submitted that there is no ground to interfere in the review jurisdiction.

During hearing, we also gathered that, on 15.7.2014, change report submitted by the President, who has issued suspension order, is already rejected.

Rejection of change report on 15.7.2014 is subsequent to orders of this Court and also subsequent to filing of the present proceedings. The orders passed by the School Tribunal have got no bearing atleast at this stage.

A person in the administration has issued order of suspension and it is apparent that – that order was also implemented or acted upon. As such, merely because change report was pending, it cannot be said that the President had no authority to issue suspension order.

Rejection of change report submitted by the said President is an independent cause and is not sufficient to warrant any interference in review.

In this situation, as we do not see anything wrong with the view taken by this Court on 1.8.2012, we are not inclined to issue any notice in the matter. The Civil Application as well as the Misc. Civil Application are accordingly disposed of. However, the applicant is at liberty to take suitable steps in accordance with law.

JUDGE

JUDGE