

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

WRIT PETITION NO.262/2015

Ku. Vaishali d/o Shankarrao Choudhary

...Versus...

Chief Executive Officer, Zilla Parishad, Gondia and others

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

Court's or Judge's orders

Shri V.S. Mishra, Advocate for petitioner
Shri A.Y. Kapgate, Advocate for respondent no.1

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 02.09.2015

By this petition, the petitioner seeks a direction to the respondents to verify the documents of the respondent no.4 and appoint the said petitioner as a Laboratory Assistant in Zilla Parishad High School. The petitioner has challenged the notice dated 11.12.2014, asking the petitioner to show cause as to why the appointment of the petitioner as a Laboratory Assistant should not be terminated.

Shri Kapgate, the learned Counsel for the Zilla Parishad states that the petition is premature. It is stated that the show-cause-notice is served on the petitioner and the petitioner has replied the same. It is stated that it would now be for the Zilla Parishad to take appropriate action after considering the reply. It is stated that even if the petitioner's services are terminated, the

petitioner would have a right to file an appeal under Rule 14 of the Maharashtra Zilla Parishads District Services (Discipline And Appeal) Rules, 1964. It is stated that instead of waiting for the Zilla Parishad to consider the case of the petitioner, the petitioner has rushed to this Court.

We uphold the preliminary objection raised on behalf of the Zilla Parishad. The petition is premature. Only a show-cause-notice has been issued to the petitioner and the petitioner has replied the same. The petitioner should have waited for the Zilla Parishad to consider the reply and take appropriate action. Even if an adverse action is taken against the petitioner, it is rightly submitted that the petitioner would have a remedy of filing an appeal under Rule 14 of the Rules of 1964.

In the aforesaid circumstances, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

Wadkar