

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1492/2015

(SMITA DEORAOJI DAHAKE **VERSUS** THE E.O. (SECONDARY), Z.P. NAGPUR & OTHERS)

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

Court's or Judge's orders

Shri P.B. Patil, counsel for the petitioner.
Shri M.K. Pathan, A.G.P. for the R-1.
Shri P.P. Thakare, counsel for the R-2 to 4.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : DECEMBER 01, 2015.

By this petition, the petitioner seeks a declaration that the action of the respondent no.3-Secretary and the respondent no.4-Headmaster in not permitting the petitioner to sign the muster roll is void and illegal. A direction is sought by the petitioner to the respondent nos.3 and 4 to permit the petitioner to sign the muster roll.

Shri Thakare, the learned counsel for the respondent nos.2 to 4, states that the services of the petitioner are terminated and since this is a case of "Otherwise Termination", the petitioner should have filed the proceedings before the School Tribunal. It is stated that in stead of filing an appeal before the School Tribunal, the petitioner has rushed to this Court.

We uphold the objection raised on behalf of the respondent nos.2 to 4. We find that the petitioner has abused the process of the Court by filing a petition for a declaration that the Headmaster, Secretary and the President have committed an illegality in refusing to permit the petitioner to sign the muster roll though the petitioner is working in the said institution.

In the circumstances of the case, we dismiss the petition with costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

APTE