

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4320 /2015

(Smt. Pushpa Gajanan Mahure vs. The State of Maharashtra and others)

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

Court's or Judge's order

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Mr. R.S.Sundaram, Advocate for the petitioner
Mr. A.S.Fulzele, Addl.Govt.Pleader for Respondent nos. 1 to 3
Mr. M.A. Vaishnav, Adv.for Respondent no.4

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

DATED : 14th September, 2015.

Heard.

By this petition, the petitioner challenges the termination order, dated 6.5.2015, issued by the respondent no.4 as being illegal and without any authority of law. The petitioner seeks a direction to the respondents to reinstate the petitioner on the post of Assistant Teacher in the Ashram School.

According to the petitioner, the petitioner has been reinstated in the Ashram School after her termination, on 9.5.2012 and the said fact is observed by this Court in the order dated 26th July, 2012 in Writ Petition No.1665/2011. It is stated that after the petitioner joined her duties and was reinstated, during the pendency of the previous Writ Petition, the respondent-Management has refused to allow the

petitioner to perform her duties. It is stated that the termination effected by the respondent is bad in law as the present Management does not have an authority to terminate the petitioner.

A preliminary objection is raised by the learned counsel for the respondent-Management to the tenability of the Writ Petition. It is stated that the petitioner can as well file an Appeal before the Divisional Social Welfare Officer against her termination. It is stated that since the issue involved in this Writ Petition could be properly adjudicated by the Divisional Social Welfare Officer in an Appeal, this Court may not exercise the writ jurisdiction.

By upholding the preliminary objection raised on behalf of the respondent-Management, we decline to entertain the Writ Petition. The petitioner is free to avail the alternate remedy, if so advised. The Writ Petition is disposed of, with no order as to costs. The points raised in the petition are, however, kept open.

JUDGE

JUDGE

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