

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

WRIT PETITION NO. 4633 OF 2015

Mrs. Shaheen Farzana Kazi

-vs-

Masumiya Urdu Education Society, Malkapur and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A. M. Ghare, counsel for the petitioner.

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

DATE : 01.09.2015.

By this petition, the petitioner challenges the order of her termination, dated 25/04/2015 and seeks a direction to the respondent-Management to reinstate the petitioner in service.

The services of the petitioner as a Headmistress were terminated by the respondent-Management after holding an enquiry under the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 by the impugned order, dated 25/04/2015. Instead of filing an appeal under Section 9 of the Act of 1977 for challenging the termination order, the petitioner has approached this Court on the pretext that a previous petition filed by the petitioner bearing No.1804 of 2014 by which the petitioner had challenged the suspension order is admitted by this Court and this Court had declined the interim relief after making a *prima facie* observation that the Management is at the helm of the affairs and has proceeded with the departmental enquiry. It is stated that the *prima facie* observation made by this Court while admitting Writ Petition No.1804 of 2014 may come in the way of the petitioner, if the petitioner files an appeal under Section 9 of the Act of 1977.

The petitioner cannot challenge the termination order by this writ petition. The petitioner would be required to file an appeal under Section 9 of the Act of 1977. By the previous petition,

the petitioner has challenged the suspension order and the power of the Management to initiate the enquiry. Even that issue can be decided in the appeal which may be filed by the petitioner before the School Tribunal under Section 9 of the Act of 1977. The observations made by this Court while admitting Writ Petition No.1804 of 2014 on 20/04/2015 cannot come in the way of the petitioner while deciding the appeal of the petitioner on merits.

In view of the aforesaid, we decline to entertain the writ petition, in view of the availability of the alternate efficacious remedy. The writ petition is disposed of with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE