

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

WRIT PETITION NO.633/2016

Sau. Mamta Sahadeo Deshmukh

..VS..

Adarsh Bahuuddeshiya Mandal, Ambedkar Ward , Bhandara, through its Secretary
and others

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : 22.7.2016.

Heard Shri A.Z. Jibhkate, Advocate for the
petitioner, Shri Shashikant Borkar, Advocate for the
respondent No.1 and Shri K.R. Lule, A.G.P. for the respondent
No.3. None appears for the respondent No.2.

The petitioner has challenged the order passed by
the School Tribunal rejecting the application filed by the
petitioner praying for interim order.

The petitioner had been working as Headmistress
of the school administered by the respondent No.1 - Society.
The services of petitioner are terminated, after conducting an
enquiry, by the order dated 29th September, 2015. The
petitioner has filed appeal before the Tribunal challenging the
termination order. Along with appeal, the petitioner filed
application praying for interim order which is rejected by the

impugned order.

The learned Advocate for the petitioner has submitted that the enquiry which is conducted against the petitioner is illegal. It is submitted that the State Awardee Teacher who was member of the Enquiry Committee is not on the panel prepared by the Education Officer, Gondia. It is submitted that the State Government has issued guidelines which lay down that the panel of State/National Awardee Teacher should be district-wise and normally the State/National Awardee Teacher shall be from the panel of the same district in which the delinquent is working. The other submission is that the termination is *malafide* and the Management having failed on earlier occasions to remove the petitioner from service, have now terminated the services of the petitioner by conducting an enquiry against her on false charges. Several other submissions about the illegalities committed by the Management, are made.

As the appeal is pending before the School Tribunal and the points raised by the petitioner are required to be dealt with by the Tribunal on merits, I refrain myself from delving into the submissions made on behalf of the petitioner. The present petition can be disposed on the short consideration that the petitioner who was holding the post of Headmistress of the School is not in employment from 29th

September, 2015 and Shri Ramteke who is not party to these proceedings is appointed as Headmaster. In my view, the petitioner is not entitled for the interim order as prayed for by her. The interests of justice would be sub-served by passing the following order:

- (i) The School Tribunal shall dispose the appeal till 15th January, 2017.
- (ii) The petition is **disposed** with no orders as to costs.

JUDGE

Tambaskar.

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

Uploaded On : 28.7.2016.