

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

WRIT PETITION NO.1907/2016

Lilleshwar s/o Yuwaraj Meshram

...Versus...

The State of Maharashtra, Through its Secretary, Education Department,
Mantralaya, Mumbai – 400038 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 D.B. Walthare, Advocate for petitioner
Shri N.H. Joshi, AGP for respondent nos.1 to 3

CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : 13.04.2016

Heard.

By this petition, the petitioner challenges the order of the respondent – Management, restraining the petitioner from signing the muster roll and serving in the school of the respondent – Management.

Shri Joshi, the learned Assistant Government Pleader appearing for the respondent nos.1 to 3 states that if the petitioner, who was working as a “Shikshan Sevak” with the respondent – Management, is not permitted by the Management to render the services in the school run by the respondent – Management, it would be a case of “otherwise termination” and it would be necessary for the petitioner to file an appeal against the action of the respondent – Management before the School Tribunal.

We find much force in the submission made on behalf of the respondent nos.1 to 3. If the petitioner is not permitted to render the services and sign the muster roll, it is a case of “otherwise termination” and it would be necessary for the petitioner to avail the alternate remedy. Instead of availing an alternate remedy the petitioner has rushed to this Court.

We decline to entertain the writ petition in the circumstances of the case. The writ petition is disposed of with no order as to costs. The petitioner is free to take appropriate proceedings, if so advised. The points raised in the petition are kept open.

JUDGE

JUDGE

Wadkar