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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9622 OF 2015

IN

APPEAL NO.35 OF 2014

Mrs. Sandhya S. Labade

...Petitioner

vs

The President,
The Saraswati Mandir Education Society Ltd.,
Mumbai & Ors.

...Respondents

.....

Mr. Rajesh S. Patil, for the Petitioner.

Mr. Gangadhar J. Sabnis, for Respondent No.3.

.....

CORAM : S.C. GUPTE, J.

DATED: JUNE 27, 2018

P.C. :

. Heard learned Counsel for the Petitioner and the Respondent management. The petition challenges an order passed by the School Tribunal at Mumbai in an appeal filed by the Petitioner under Section 9 of Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. It transpires from the record of the case that the Petitioner, who was appointed as a headmistress on 14 June 2010, resigned on 10 May 2014. The management, thereafter, accepted her resignation on 15 May 2014 and even gave her a cheque for payment of her terminal benefits. The Petitioner accepted the cheque and left the school. The Respondent, thereafter, appointed a new headmistress. Thereafter, this appeal was filed by the Petitioner before the School

Tribunal. The School Tribunal essentially held that the Petitioner had resigned on her own and even accepted terminal benefits concerning her service. The Tribunal held that there was no evidence to show that she was at any time harassed or humiliated or made to resign against her wishes. The Tribunal was of the view that the acts of the Petitioner indicated that she had resigned from her post voluntarily without any force, coercion or duress on 10 May 2018 and thereafter accepted her dues on 15 May 2014. There is no infirmity in the impugned order of the School Tribunal. The order of the Tribunal is a possible view. There is no relevant or germane material disregarded or non-relevant or non-germane material considered by the Tribunal to arrive at its decision. There is accordingly no warrant for interference in the writ jurisdiction of this Court. The petition is dismissed.

2. It is made clear that the Petitioner will be entitled to apply for benefits consequent upon her discharge. The Respondent management shall be bound to process her application in this behalf and pay her such dues as she may be legally entitled to.

(S.C. GUPTE, J.)