

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.10044 OF 2019
IN WP/9903/2016

NANDA MURLIDHAR DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.V.Jadhav-Patil, Advocate for the applicant.
Mr.S.R.Yadav, AGP for respondent Nos. 1 to 3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 22/08/2019

PER COURT :

1. The learned Advocate for the applicant submits that the judgment delivered by this Court dated 06/02/2017 in the writ petition has been sustained by the Hon'ble Apex Court and the SLP filed by the Management has been dismissed.

2. He submits that this Court should correct paragraph No.12 of the order dated 06/02/2017 and add such words which will give the meaning that the petitioner is re-instated in service as a regular Head Mistress, with continuity.

3. I find that the petitioner was working as an Incharge Head Mistress when she was terminated by the Management on 15/06/2011, The reason for her termination was that she was not qualified to be a primary teacher. Resultantly, she was terminated from employment when she was co-incidentally holding the charge as “In-charge Head Mistress”. It was not the case of termination as Head Mistress which was the subject matter in the petition.

4. After the Tribunal dismissed the appeal filed by the employee, she has approached this Court in the writ petition decided by this Court dated 06/02/2017. This Court concluded that she was qualified to be a primary teacher and therefore as she was held to be qualified to continue in employment, her termination was quashed and set aside and she was re-instated. Co-incidentally, her termination occurred when she was an In-charge Head Mistress and now the Management has issued her a communication dated 06/08/2018 asking her to resume her duties in the same post as an In-charge Head Mistress..

5. The request of the applicant by this civil application is that she should now be granted a regular appointment order as a Head Mistress.

6. I find that this request is beyond the scope of the supervisory jurisdiction of this Court while dealing with a petition wherein the impugned judgment is of the School Tribunal dismissing the appeal of the petitioner. The petitioner, therefore, has to avail of a remedy as may be permissible in law if she has a grievance that she is continued as an In-charge Head Mistress.

7. This civil application, being devoid of merits, is therefore rejected.

(Ravindra V.Ghuge, J.)