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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 13726 OF 2016

Geeta Manohar Chawla

... Petitioner.

V/s.

Hyderabad (Sing) National Collegiate
Board through its Rector & Secretary and Anr. ... Respondents.

Mr. Joyce Cardoz i/b. Mr. H.P. Vyas for the Petitioner.

Mr. Vishal Kanade a/w. Deepa Bisht I/b. Tushar Goradia for
Respondent 1.

Mr. M.M. Pabale, AGP for the State.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 4 JUNE 2019.

P.C. :-

Heard learned Counsel for the parties. A meaningful reading of the Writ Petition filed by the Petitioner brings out that appointed as a teach in the primary division by the first Respondent she was promoted as a Head Mistress on 15 November 1994. On a FIR being registered, which the Petitioner claims to be an act of revenge; denied by the first Respondent, she came to be suspended on 14 August 2014. She filed a Writ Petition challenging her

suspension in which on 6 May 2016 an order was passed noting the stand of the first Respondent that the order suspending the Petitioner would be withdrawn.

2. On 12 May 2016 order was passed by the first Respondent withdrawing the suspension with effect from 16 May 2016 and since then the Petitioner is functioning as a Head Mistress but sans any administrative or financial duties on account of the first Respondent having lost faith in entrusting financial matters to the Petitioner.

3. Claim in the Petition is to pay full wages for the period the Petitioner remained under suspension with further direction that the Petitioner be permitted to function as a Head Mistress with all powers of a Head Mistress.

4. With respect to the first prayer, suffice it to state that whether the suspension was justified or not would depend on the final outcome of either the criminal proceedings initiated against the Petitioner or a departmental enquiry post issuance of a charge-sheet; if the Respondent takes a decision to do so. Thus, no relief can be granted as regards back wages. On the issue of what duties should the Petitioner discharge as a Head Mistress, we note that undisputedly she is being paid salary as a Head Mistress. In our opinion it would be within the power of the first Respondent to

decide whether or not financial and administrative duties need to be assigned to the Petitioner. She cannot claim the same to be entrusted to her as a matter of right. Thus, no relief can be granted to the Petitioner.

5. The Petition is dismissed.

N.M. JAMDAR, J.

CHIEF JUSTICE