

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9502 OF 2019
WITH
CIVIL APPLICATION NO. 14069 OF 2019

Mahadevi D/o.Madhukar Deshmane alias
Mahadevi W/o. Mukteshwar Kure

...Petitioner

Versus

Shri Swami Madhavashram Education
Society, Sonpeth and Ors.

...Respondents

Mr S.V. Warad, Advocate for Petitioner
Mr A.R. Kale, AGP for Respondents-State
Mr R.B. Deshpande, Advocate for Respondent No. 1
Mr A.V. Patil, Advocate for Respondent No. 2
Mr B.A. Shinde, Advocate for Respondent No. 3

**CORAM : S.V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 30th JANUARY, 2020

PER COURT :

1. We have heard the learned Counsel for the parties. According to Mr Patil, the learned Counsel, the petitioner is terminated from service after conducting the departmental enquiry. According to Mr Warad and Mr Deshpande, learned Counsel for the parties, the person, who was issued suspension order and also the termination, is not President of the Society. The petitioner relies on the Judgment of the Division Bench of this Court in ***Digambar Ganpatrao Shindhikumte Vs. Arya Hindi Vidya Mandir reported***

in 1984 (0) Mah L R 250. It is the contentions of the petitioner is that the suspension order is without resolution of the Management

3. As it is contended that the petitioner is already terminated from service, it would be futile to exercise the jurisdiction to decide about the suspension.

4. In case the challenge of the petitioner succeeds qua, the order of termination then, naturally decision has to be taken with regard to the suspension period. The same will depend upon the decision qua the order of termination.

5. In light of the above, we dispose of the writ petition with liberty to the petitioner to avail the remedy to assail the order of termination. In that event, all contentions of the parties are kept open.

6. In view of disposal of writ petition, Civil Application also stands disposed of.

7. It is for the Tribunal to consider the contentions of the petitioner with regard to the time spent in prosecuting the present petition. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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