

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8290 OF 2022

VAISHALI UMAKANT PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

Advocate for the Petitioner : Shri Pawar Ajay D.
AGP for the Respondents/State : Shri S.K. Tambe
Advocate for Respondent 5 : Shri A.V. Indrale Patil

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CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 10th October, 2022

Per Court :-

1. The petitioner has put forth prayer clause B as under
:-

“B) To quash and set aside the impugned order dated 06.07.2022 issued by the Respondent no.4 Assistant Commissioner Social Welfare Osmanabad to the extent of recovery of the amount of salary and submit the report towards the Respondent No.4 and consequential show cause notice dated 21.07.2022 issued by the Respondent No.5 Headmaster by issuing writ of certiorari or any other appropriate writ or directions as the case may be;”

2. The learned advocate representing respondent No.5/

School submits that the petitioner has been merely issued with a show cause notice. There are certain issues which need to be considered. After the petitioner tenders her explanation, the Management would decide as to whether, any disciplinary action needs to be taken. No disciplinary action would be taken without giving a proper opportunity of hearing to the petitioner and without following the due process of law.

3. In view of the above, this Writ Petition is disposed off.

4. Needless to state, after the Management follows the due procedure laid down in law and arrives at a decision, the petitioner would be at liberty to assail the said order by availing of a remedy as would be permissible in law, if an adverse order is passed.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)