

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 2859 OF 2019

Ku. Naina d/o Keshao Gajbhiye

Vs.

Bhartiya R.B. Damle Gram Sudhar and Shikshan Prachar Society, Nagpur and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P.N. Shende, Advocate for petitioner.
Mr. Shaikh Majid, Advocate for respondent No.3.

CORAM : MANISH PITALE J.

DATE : 29.03.2022.

By this writ petition, the petitioner has challenged the judgment and order dated 12.01.2015 passed by the School Tribunal, Nagpur, whereby the appeal filed by the petitioner was dismissed.

2. The petitioner was appointed as 'Shikshan Sewak' on 21.01.2011. But, subsequently the service of the petitioner was terminated on 31.03.2012, for the reason that the post had to be abolished due to decrease in the strength of the students.

3. The Tribunal considered the entire facts and circumstances of the present case and the

applicable position of law and found that no relief could be granted to the petitioner.

4. Learned counsel appearing for the petitioner also did not raise any serious challenge to the impugned judgment and order passed by the Tribunal.

5. Instead, reliance has been placed on a Government Resolution dated 27.06.2016 issued by the relevant department of the State pertaining to absorption of Shikshan Sewaks rendered surplus. In fact, this Court issued notice in the present writ petition by referring to the said Government Resolution dated 27.06.2016.

6. A perusal of the writ petition also shows that prayer clause (C) pertains to a direction to the Education Officer(Primary) i.e. Zilla Parishad, Nagpur - respondent No.3 for absorption of the petitioner.

7. This Court is of the opinion that prayer Clause (C) cannot be entertained by this Court presided over by a Single Judge and that such a prayer would be maintainable in a properly constituted petition for consideration before the Division Bench of this Court. Even otherwise there

does not seem to be any material on record to indicate that the petitioner had approached the appropriate authority in the State Government for seeking relief of absorption either in terms of the Government Resolution dated 27.06.2016, or otherwise.

8. In view of the above, since this Court does not find any reason to interfere with the well reasoned judgment and order passed by the School Tribunal, the writ petition is dismissed. The petitioner would at liberty to avail such remedies as may be available in law.

JUDGE

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