

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.4699/2019

Sunita V the Regional Deputy Commissioner for Social Welfare Department, Amravati
and others

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

Court's or Judge's Orders

Mr Y.P. Kaslikar, Adv for petitioner.

Mr. Uday Changle, Adv for resp. Nos.2 and 4.

CORAM : AVINASH G GHAROTE, J.

DATE : 17-04-2023

The petition challenges the order 31-3-18 (pg 23), whereby the plea raised by the petitioner for implementation of the order dated 13-5-16 passed by the Divisional Deputy Commissioner, Social Welfare Officer (Pg 20), has been denied on the ground that the said authority had no jurisdiction to pass the same.

2. Mr Kaslikar, learned Counsel for the petitioner, by inviting my attention to the Code for School relating to the Handicap or mentally retarded Schools, has submitted that the Social Welfare Officer, had a power of appeal under Regulations 77, 80 and 86 of the said Code. In my considered opinion, the contention is misconceived for the reasons that Regulation 77 when it speaks about an appeal to be filed within 45 days to the Divisional Deputy Commissioner, Social Welfare Department contemplates the punishment imposed under Regulation 80(A) which in turn speaks only about suspension. Regulation 86 speaks about the procedure.

It is therefore apparent, that the Divisional Deputy Commissioner, Social Welfare Department, did not have any jurisdiction to entertain the appeal against an order terminating the petitioner. The order dated 13-5-16 is therefore clearly without jurisdiction and therefore the question of its implementation does not arise at all.

3. In view of the above said position, I do not see any reason to interfere in the order impugned in this petition. Hence, the same is dismissed. No costs.

4. Needless to mention in case if the petitioner has any other remedy available in law it would be the choice of the petitioner to avail the same.

JUDGE