

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

WRIT PETITION NO. 1345 OF 2023

Smt. Madhuri Vithal Tarate

....Petitioner

V/S

Regional Dy Commissioner, Social Welfare,
Pune Region, Pune And Ors

....Respondents

Mr. S. G. Kudle for the Petitioner

Mr. S. B. Kalel, AGP for the Respondent Nos. 1, 2 & 5

Mr. Jagdish Aradwad Reddy a/w Mr Abhijit Kulkarni for the Respondent
No. 3

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 18 JULY 2024.

P.C.:

1. Heard learned Counsel for the parties. Perused the record.
2. The Petitioner is challenging the termination order dated 16 March 2020 passed by the Respondent No. 3 – Education Institute and also the order dated 28 November 2022 passed by the Respondent No. 1- Regional Deputy Commissioner, Social Welfare, Pune Region, Pune by which the termination of the Petitioner is approved.
3. The Petitioner was working as a cook for providing food to the residential students of the Respondent No. 4-Ashram School. The Respondent No. 3-Education Institute is running the Respondent No. 4-

School under the control of the Respondent Nos. 1 & 2, which are officers of the Social Welfare Department. The Petitioner has challenged her termination and prior proceedings initiated against her on the ground that she is being victimized because she had acted as witness in Panchanama prepared during the inquiry about the functioning of the Respondent No. 4-Ashram Shool.

4. The Respondent Nos. 1 and 2 have filed reply affidavit contending *inter alia* that under the Government Resolution dated 3 October 2017 read with Corrigendum dated 21 March 2018 and Government Resolution dated 10 February 2022, the Respondents have already introduced *quasi judicial* system for redressal of the grievance of institution as well as for employees working with the Government approved grant-in-aid Ashram Schools. It is contended that the Petitioner has alternative remedy, which is sought to be bypassed by filing this Petition directly. The said Government Resolutions are produced on record. The Respondent Nos. 1 and 2 have also relied on the order passed by this Court, in similar situation in a group of Petitions being Writ Petition No. 1001 of 2019 and other connected Writ Petitions under order dated 11 March 2020. The Respondent No. 3-Education Institute, which is running the Ashram School has also filed reply affidavit and taken the same stand.

5. Apart from the above stand the Respondents have also opposed the Petition on merits.

6. Admittedly the Petitioner was working with the Respondent No. 4-Ashram School, which is run by the Respondent No. 3-Education Institute. Admittedly the Ashram Schools are governed by the applicable Government Resolutions and Ashram School Code / *Ashram Shala Sanhita* of which Rules from Chapter 14 are relied upon specifically to justify the inquiry conducted against the Petitioner, in which the Petitioner is found to be liable for imposing major penalty of termination.

7. Considering the fact that the Petitioner has an alternative remedy available, we refrain from commenting on the merits of the matter, keeping it open for the Petitioner to adopt the remedy under the said Government Resolutions to agitate her grievance on merits accordingly. Needless to mention that if the authority provided under the said Government Resolutions passes an adverse order against the Petitioner, she will be able to adopt appropriate proceedings in accordance with law. All contentions are kept open

8. With these observations, the Writ Petition is disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)