

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

WRIT PETITION NO.880/2023

Ku. Archana Pandurang Mude and others
Vs.

State of Maharashtra, through its Secretary, Department of School Education and
Sports, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.S. Warulkar, Advocate for petitioners
Shri A.M. Joshi, AGP for respondent Nos.1 to 3
Shri D.R. Bhoyar, Advocate for respondent No.4
Shri Anand Parchure, Advocate for respondent No.5

CORAM : ANIL S. KILOR AND
SMT. M.S. JAWALKAR, JJ..
DATED : 18/03/2024

In the present writ petition, the grievance is raised to the order rejecting the approval to the appointment of the petitioners. This is the second round of litigation.

2. During the pendency of this petition, the Management terminated the services of the petitioners on the ground that the Education Officer, Wardha refused to grant approval to the petitioners.

3. The learned Counsel for petitioners, submits that, since the termination is without notice, by way of amendment, the validity and correctness of the order of the termination has been questioned in this writ petition.

4. The submission of the learned Counsel for petitioners that because before termination, no notice was given to the petitioners, the writ petition is maintainable, cannot be accepted as there is an alternate remedy

available to challenge the order of termination. Hence, this Court is not inclined to entertain this writ petition.

5. As far as the approval is concerned, since the services of the petitioners have already been terminated, there is no question to go in to the issue of approval. Moreover, since the termination is there, in an appeal, if any filed before the School Tribunal, the petitioner can also raise the issue in respect of the approval since the termination is on the ground of non grant of approval.

6. In the above referred backdrop, the learned Counsel for petitioners seeks permission to withdraw the present writ petition with liberty to file an appeal before the School Tribunal.

7. The permission to withdraw the present petition is granted with liberty to file an appeal. It is made clear that the learned Tribunal shall not go into the issue of limitation, if the appeal is filed within four weeks from today, since the petitioners were terminated during the pendency of this writ petition.

8. The Writ Petition is disposed of accordingly.

JUDGE

JUDGE

R.S. Sahare