



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 WRIT PETITION NO. 7529 OF 2025

Priyanka Yeshwant Khot

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Mr. Shivkumar K. Mathpati, Advocate for the Petitioner

Mr. V. M. Kagne, AGP for Respondents State

Mr. Rakesh N. Jain, Advocate for Respondents Nos. 4 to 7

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CORAM : MANISH PITALE &
Y. G. KHOBRADE, JJ.

DATE : 30th June, 2025

P. C. :

. Heard the learned Advocate for the petitioner.

2. By this petition, the petitioner has challenged an order dated 07.03.2014, whereby, her service as Shikshan Sevak was terminated on the ground that her performance during the probation period was not satisfactory and she had remained on unauthorized leave and she left headquarters without permission.

3. The documents on record show that the petitioner approached the Divisional Commissioner, Nashik in respect of the said order of termination of service. The said authority, by communication dated 07.03.2017, issued to the Chief Executive Officer (CEO), Zilla Parishad, Nandurbar, communicated that the grievance was being raised before a wrong forum.

4. Thereafter, the petitioner appears to have filed Writ Petition No. 1563 of 2018 before the Principal Seat of this Court. On 14.03.2024, the petitioner withdrew the writ petition to approach this Bench on the ground that the order was passed by the CEO, Zilla Parishad, Nandurbar. It is in this backdrop, that the present petition has been filed in April, 2025.

5. Although the learned counsel for the petitioner submitted that this Court, in the interest of justice, may consider condoning delay and entertaining the petition, *inter alia*, raising specific ground of violation of principles of natural justice, we are not inclined to entertain the present petition.

6. The documents on record clearly show that by an order dated 05.05.2011, the petitioner was appointed as Shikshan Sevak for a period of three years and it was indicated in the order itself that if the candidate had any grievance about an order that may be passed cancelling such appointment order, the grievance would be raised before the committee constituted in that regard.

7. The documents on record show that in pursuance of the order dated 05.05.2011, the petitioner joined on 21.06.2011. She worked for about four days and on 26.06.2011, submitted a leave application

claiming that she was unwell and as per the advice of the Doctor, she would not be able to perform her duties. It is significant to note that thereafter, the petitioner kept on sending such applications for leave repeatedly without performing duties. It is an admitted position that the petitioner did not work on the said post beyond the initial few days, claiming that she was unwell due to various reasons.

8. In this backdrop, the CEO, Zilla Parishad communicated to the petitioner about continuous unauthorized leave on her part and put her to notice that this would result in termination of her appointment. Eventually, by impugned order dated 07.03.2014, the petitioner stood terminated on the ground of unauthorized leave and also on the ground of leaving headquarters without permission.

9. The Divisional Commissioner, by communication dated 17.03.2017, informed the CEO, Zilla Parishad, Nandurbar that the grievance regarding the same was being raised before the wrong forum by the petitioner. Thereafter, the petitioner approached the Principal Seat of this Court by filing Writ Petition No. 1563 of 2018. Having withdrawn the same, the petitioner has now approached this Court.

10. Although the learned counsel for the petitioner has relied upon the judgment of this Court in the case of **Choudhari Mohammad**

Samiuddin Vs. Zilla Parishad, Aurangabad & others, 2001 (4) Mh.L.J.

25 on the ground that in the present case the impugned order deserves to be set aside for violation of principles of natural justice, this Court is of the opinion that while exercising writ jurisdiction, the Court is not expected to entertain writ petitions and grant reliefs only because the *mantra* of violation of principles of natural justice is chanted on behalf of the petitioner.

11. There is nothing to show that the petitioner approached the concerned Committee by way of appeal to raise her grievance, despite the fact that in the appointment order dated 05.05.2011 itself, the said remedy of filing appeal before the Committee was specified. The petitioner could have approached the committee in reasonable time but that is not done. The writ petition filed before the Principal Seat of this Court was also in the year 2018 and having withdrawn the same, the present petition has been filed.

12. While exercising writ jurisdiction, this court is also required to peruse the record and verify as to whether there is any iota of merit in the grievance raised by the petitioner.

13. This Court has already noted herein above that after being appointed on 05.05.2011, except for working for about four days, the

petitioner failed to perform duties and repeatedly sent leave applications on alleged medical grounds from 27.06.2011 till her service was terminated on 07.03.2014. Only on this ground, we are of the opinion that the petition is without any merit, apart from the fact that the petition suffers from delay. There is no reasonable explanation provided by the petitioner and after 11 years of the order dated 07.03.2014 terminating her service on the ground of unauthorized leave, we are of the opinion that no fruitful purpose would be served by entertaining the present petition. The reliance placed on the aforementioned judgment of this Court is misplaced, for the reason that facts of the present case noted herein above distinguish this case from the facts of the case relied upon.

14. In view of the above, writ petition is dismissed. Pending application if any also stands disposed of..

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)

JPChavan