

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 16th OF MAY, 2025

WRIT PETITION No. 15662 of 2025

SMT. SUSHMA VAISHYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri L. C. Patne - Advocate for the petitioner.

Shri Rajwardhan Gawde - Advocate for the respondents/State.
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ORDER

1] Heard.

2] This writ petition has been filed by the petitioner under Article 226 of the Constitution of India against order of suspension dated 22.04.2025 on the ground of *mala fide* on the part of the respondents, as it is alleged against the petitioner that the petitioner was absent for a day in the *Jansunwai*, which was held on 22.04.2025, and subsequently, her charge as District Education Officer has been given to Vijay Kumar Mandloi, Joint Collector, Indore.

3] Petitioner's contention is that she has already deputed a responsible person to remain present in the *Jansunwai*, as she was busy in the High Court on the said date in connection with a contempt petition. It is the further contention of the petitioner that her charge as District Education Officer was taken away, which led her to file W.P. No.24512 of 2024, in

which this Court has already passed an order of stay, and only with a view to bypass the aforesaid order, the respondents have passed the aforesaid order.

4] Whereas, the respondents have disputed the fact, and it is submitted that at the time when the *Jansunwai* was going on, the petitioner was present in the office, but she deliberately did not come.

5] Be that as it may, considering the fact that the impugned order is appealable, and disputed facts are involved, this Court is not inclined to entertain this petition. So far as the grounds raised regarding *mala fide* are concerned, this Court has already dismissed the aforesaid petition i.e., W.P. No.24512 of 2024, thus, the question of *mala fide* does not arise

6] Accordingly, the petition is hereby ***dismissed*** on ground of availability of the alternative statutory remedy. If the petitioner prefers an appeal within a week's time, the same shall be decided on merits by the Appellate Authority without raising any objection as to the limitation.

(SUBODH ABHYANKAR)
JUDGE

Pankaj