IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2172 OF 2015

Nitin Rangrao Kotekar and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

WITH
WRIT PETITION NO. 2183 OF 2015

Pradip Yeshwant Khairnar and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Pradeep Deshmukh, Advocate h/f Shri Yashodeep P. Deshmukh, Advocate for Petitioners in both matters.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2 in both matters.
Shri H. A. Joshi, Advocate for Respondent Nos. 3 and 4 in both matters.

WITH
WRIT PETITION NO. 3287 OF 2015

Shree Shivaji Vidya Prasarak Sanstha Dhule and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

WITH
WRIT PETITION NO. 3295 OF 2015

Shree Shivaji Vidya Prasarak Sanstha
Dhule and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri H. A. Joshi, Advocate for Petitioners in both matters.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2 in both matters.

CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.
DATE : 13TH AUGUST, 2015.

PER COURT :

. Leave to amend the prayer clause.

2. We have heard Mr. Deshmukh and Mr. Joshi, the learned counsel for respective petitioners. In all these petitions, petitioners assail the order dated 13.02.2015 and 16.02.2015, wherein the directions are given to include the names of the staff who have been appointed without following rules.

3. According to the learned counsel for petitioners, in fact no proper opportunity of hearing was given to petitioners. Only one date was given. The concern clerk who was the custodian of the record was not available. Subsequently, the management has

submitted the entire record with the office of the Joint Director of Higher Education. However, the same is also not considered. According to the learned counsel, all the employees are appointed after following due procedure of law. No illegality is committed in their appointments.

4. The learned Additional Government Pleader submits that, couple of opportunities were given to the management to submit the record. No such record was submitted, as such the impugned orders are passed.

5. We have considered the submissions canvassed by the learned counsel for respective parties.

6. It is stated that, the person who was in custody of record was not available, as such during the relevant time, when the impugned orders were passed the record could not be submitted. However, subsequently the complete record is submitted.

7. Considering the above, we quash and set aside the impugned orders and award one more opportunity to the management to present itself before the Joint Director of Higher Education, Jalgaon. The management/institution through its authorized representative shall remain present before the Joint Director of Higher Education on 01st September, 2015. The

management/institution is permitted to file such additional record as is required for deciding about the grants and the procedure in appointments being followed. The Joint Director of Higher Education, Jalgaon Region, Jalgaon shall thereafter decide the said aspect afresh expeditiously and preferably within a period of three (3) months from the date of appearance. The writ petitions are disposed of. No costs.

[V. K. JADHAV, J.] **[S. V. GANGAPURWALA, J.]**

bsb/Aug. 15