

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CIVIL APPELLATE JURISDICTION.**

Writ Petition No.3104 Of 2001.
Alongwith
Civil Application No.10271 Of 2004.

W.P.No.3104/01.

Ravindra Ratan Patil

:: Petitioner.

Versus

Belganga Gramin Vikas Pratishthan.
Belanganagar (Bhoras) & Ors.

:: Respondents.

Civil Application No.10271/04.

Rajendra Dadaji Patil

:: Applicant.

Versus

Ravindra Ratan Patil & Ors.

:: Respondents.

Appearance ==>

Mr. S.R. Barlinge, Advocate for the Applicant. Not Present.

Mr. V.H. Dighe, Addl.Govt.Pleader, for the State of Maharashtra.

Mr. S.S. Dixit, Advocate for Respondent Nos. 1 and 2.

Mr. M.P. Bhaskar, Advocate for the Applicant in Civil Application.
Not Present.

CORAM : V.M. DESHPANDE, J.

DATE : 9th JANUARY, 2015.

Per Court :-

None present for the petitioner. Mr. V.H. Dighe, learned Addl.Public Prosecutor for Resp.No.3 and Mr. S.S. Dixit, learned counsel for Resp.Nos. 1 and 2 – Management, are present. None present for Resp.No.s. 4 and 5, though duly served.

[2] Challenge in the Writ Petition is to the order passed by Respondent No.3 – Education Officer (Secondary), Zilla Parishad, Jalgaon dated 14th May, 2001 by which the Education Officer has granted approval to the petitioner in Section 'No Grant basis'. Perusal of the memorandum of Writ Petition will shows that the petitioner has raised a ground that the impugned order is passed by Resp.No.3 without giving an opportunity of hearing to him. Thus, it is in breach of principle of natural justice.

[3] The petitioner was appointed as Asstt.Teacher on 6th April, 2000 at Sane Guruji Madhyamik Vidyalaya, Wadala-Wadali, Tal. Chhalisgaon, Dist. Jalgaon. Appointment order and resolutions of the management to that effect are available on record. On 8th June, 2000 Resp.No.3 – Education Officer passed an order by which he granted approval to the appointment of the petitioner.

[4] The petitioner discharged his duty in pursuant to the order of appointment. There is no dispute in that behalf. On 21st December, 1999 Resp.No.3 had approved the appointment of Resp.No.5 for the scale Rs.5500-Rs.9000/- which does not received any grant in aid. On 14th May, 2001 the impugned order is passed.

[5] The impugned order naturally is to the prejudice of the petitioner. By the impugned order, it is clear that the petitioner's appointment is approved from 'grant' to 'no-grant basis'. Therefore, it causes serious prejudice to the petitioner. Nothing is brought on record by any of the respondents though their statement which are available on record to show that before passing order dated 14th May, 2001, opportunity of hearing was given to the petitioner. When the Authority proposed and passed the order against the present petitioner which has repercussion of serious prejudice, to such person, it was obligatory on the part of such Authority which passed the order, to afford an opportunity of hearing.

[6] In this case, the learned Addl.Govt.Pleader fairly submitted that no such opportunity was given to the petitioner. Thus order dated 14th May, 2001 was passed behind his back and without giving him any opportunity of hearing. If opportunity of hearing was given, the petitioner could have satisfied Respondent No.3.

[7] In that view of the matter, order dated 14/05/2001 cannot stand to scrutiny of the law since it violates principles of natural justice. It is to be mentioned that this court while admitting present Writ Petition, has already stayed the order dated 14th May, 2001.

[8] There is nothing on record to show that the petitioner has not discharged his duty. In that view of the matter and principally on the touchstone of the law, person cannot be condemned behind his back, Petition needs to be allowed. Accordingly, order dated 14th May, 2001 is quashed and set aside to the extent of it causes prejudice to the present petitioner. However, there shall be no order as to costs.

CIVIL APPLICATION NO.10271 OF 2004.

[9] In view of the final disposal of the Writ Petition No.3104 Of 2001, Civil Application is disposed of.

(V.M. DESHPANDE, J.)