

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 6960 OF 2014

SUDHAKAR GURUSING RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Joshi Hrishikesh A

AGP for Respondents-State: Mr. Y. M. Kshirsagar

Advocate for Respondent No.4 : Mrs. Kulthe Sudha S.

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CORAM	:	S. V. GANGAPURWALA &
		V. L. ACHLIYA , JJ.
DATE	:	27th February, 2015

PER COURT :

1. Mr. Joshi, the learned counsel submits that the order cancelling approval granted to the petitioner is passed without notice to the petitioner and without hearing the petitioner.

2. Learned AGP submits that there was misconduct on the part of the petitioner. Without prior approval of the Education Officer, the Headmaster has allowed the petitioner to join duty. It is not disputed that the approval was granted to the appointment of the petitioner as Shikshan Sevak. The said approval has been cancelled on the ground that there is misconduct on the part of the petitioner. The same is arrived at by the Education Officer on the basis of the enquiry report submitted by the Deputy Education Officer who was the Enquiry Officer.

3. It does not appear that the petitioner was even given a notice or heard before the order was passed by the Education Officer cancelling the approval granted to him. The order passed is prejudicial to the interest

of the petitioner.

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

5. Before the adverse order is being passed, the Education Officer ought to have observed the principles of natural justice. The impugned order is passed without hearing the petitioner and without notice to the petitioner.

6. In the light of above, we pass following order.

- i. The impugned order is quashed and set aside.
- ii. The Education Officer may give notice to the petitioner, call for his say and after hearing the petitioner and all concerned, take decision about the approval granted to the petitioner, afresh, on its own merits as per provisions of law.

7. Writ petition accordingly disposed of. No costs.

(V. L. ACHLIYA, J.)

(S. V. GANGAPURWALA, J.)

JPC