

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9029 OF 2014 IN
WRIT PETITION NO.3410 OF 2014

Abdul Gafar Shaikh Ahmed & others ... APPLICANTS

VERSUS

Syeda Noorusaba d/o Syed Tanveer Ahmed
and others ... RESPONDENTS

.....
Shri P.R. Katneshwarkar, Advocate for applicants
Shri M.M. Patil, Advocate for respondent No.1
Shri S.S. Patankar, Advocate for respondent No.4
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CORAM: S.V. GANGAPURWALA &
A.I.S. CHEEMA, JJ.

DATED: 27th March, 2015.

ORAL ORDER :

. The present application is filed seeking review of the order dated 5.8.2014, passed in Writ Petition No.3410/2014. Mr. Katneshwarkar, the learned counsel for applicant submits that, the non applicant No.1 was appointed as Shikshan Sevak and is not

eligible to be appointed and promoted as Head Mistress. The learned counsel submits that, the Education Officer has granted stay to the temporary promotion of the petitioner. In fact, vide order dated 11.2.2013, the Education Officer had granted only authority to sign, that also for a temporary period to the present non applicant No.1. That does not mean that any approval was granted to the appointment of the non applicant No.1 as Head Mistress. However, the order passed by this Court is misconstrued. The present applicants were not before the Court, whose rights are being affected.

2. We have heard Mr. Patil, learned counsel for non applicant No.1 and the counsel for the Society, respondents No.3 and 4 so also learned A.G.P. for the State.

3. In fact, vide order dated 5.8.2014 passed in Writ Petition No.3410/2014, this Court has not decided the rights of any party. This Court, considering that the order is an unreasoned order and without adhering to the principles of natural justice, has set aside the said order and had given opportunity to the Education Officer to take fresh decision if he so desires.

4. After considering the arguments of learned counsel for respective parties, we pass the following order :

The order dated 5.8.2014 passed in Writ Petition No.3410/2014, thereby setting aside the order dated 18.3.2014, passed by the Education Officer is maintained. However, it is clarified that the Education Officer shall take a fresh decision after hearing all the interested parties concerned on its own merits expeditiously. It is made clear that we have not considered the merits of the contentions of the respective parties. All contentions are kept open.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)

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