

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 8362 OF 2014

RAJESH LAXMANRAO MOTHEMUKUND
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Maniyar Irfan D.

AGP for Respondents: Mr.P.N.Mule.

Advocate for Respondent No.2 : Mr.V.S. Deshpande.

Advocate for Respondent Nos.3 and 4 : Mr. M.V.Ghatge.

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CORAM : **S. V. GANGAPURWALA and
V.L. ACHLIYA, JJ.**

DATE : 12th January, 2015.

P.C.:

. Mr.Maniyar, learned counsel submits that the Petitioner was granted approval. The appointment of the Petitioner was approved on non grant-in aid basis vide order dated 8th October, 2010. Thereafter, he was approved on grant-in aid vide order dated 1st April, 2014. However, vide order dated 30th April, 2014, the approval granted was cancelled. The Petitioner was not heard nor given any notice.

2 Mr.Deshpande, learned counsel for the Education Officer submits that as the backlog was not filled in, the appointment of the Petitioner could not have been approved from the open category. As such, the order of approval was rightly set aside.

3 Mr.Ghatge, learned counsel appears for Respondent Nos.3 and 4.

4 It is not disputed that the Petitioner's appointment on grant-in aid post was approved vide order dated 1st April, 2014. It appears that the same is cancelled vide the impugned order dated 30th April, 2014, without notice to the Petitioner and without hearing to the Petitioner. Principles of *Audi Alteram Partem* are not adhered.

5 In light of above, the impugned order is quashed and set aside. The Respondent – Education Officer shall reconsider the case of the Petitioner regarding grant of approval/ cancellation of approval, afresh on its own merits as per law after hearing the Petitioner and all the concerned.

6 Writ petition is accordingly, disposed of. No costs.

[V.L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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