

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

Writ Petition No. 9309 of 2015

Sau. Jyoti Gurlingappa Mangalge,
Age : 57 years,
Occupation : Service as
Head Mistress, Deshikendra
High School, Latur, District : Latur.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
School Education Department,
Mantralaya, Mumbai.
2. The Deputy Director of Education,
Latur Division, Latur.
3. The Education Officer (Secondary),
Zilla Parishad, Latur.
4. Mahatma Basweshwar Shikshan
Sanstha, Latur,
through its Secretary,
Madhav s/o. Hanumantrao Patil Taklikar,
Age : 48 years,
Occupation : Business,
R/o. Said Sadan, Laxmi Colony,
Old AUSA Road, Latur,
Taluka & District : Latur.
5. Shri Parveen Karbasappa Karpe,
Age : 54 years,
Occupation : Head Master of
Shambhuling Shivacharya High
School, Latur,
Taluka & District : Latur.

.. Respondents.

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Mr. S.S. Thombre, Advocate, for the petitioner.

Mr. A.V. Deshmukh, Assistant Government Pleader, for respondent nos.1 to 3.

Mr. V.D. Salunke, Advocate, for respondent no.4.

Mr. V.D. Gunale, Advocate, for respondent no.5.

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 8TH OCTOBER 2015

ORAL ORDER (Per S.S. Shinde, J.) :

1. Heard learned Counsel for respective parties.
2. This petition is filed with following prayer :—

[B] By issuing writ of Certiorari or any other writ or order in the like nature, the orders passed by the Education Officer (Secondary), Zilla Parishad, Latur, dated 3-1-2015 and 2-9-2015 may kindly be quashed and set aside and for that purpose issue necessary orders.

3. The petitioner has challenged the impugned orders questioning the authority of the Education Officer and also the order is issued without issuing notice to the petitioner or without adhering to the principles of natural justice. The learned Counsel appearing for the petitioner has invited our attention to the pleadings, grounds taken in the petition, annexures placed on record, and submits that the petitioner deserves to be allowed.

4. On the other hand, the learned Assistant Government Pleader appearing for the State submits that the Education Officer has exercised his powers within permissible limit.

5. The learned Counsel appearing for respondent no.5 has invited our attention to the orders passed by this Court, while disposing of Writ Petition No. 2619 of 2015, connected Writ Petitions thereto and Civil Applications therein, and submits that this Court while disposing of those Writ Petitions, have considered the order dated 3rd January 2015, passed by the Education Officer (Secondary), Zilla Parishad, Latur; consequential order dated 27th February 2015 and, therefore, according to the learned Counsel appearing for respondent no.5, the petition deserves to be rejected.

6. The learned Counsel appearing for respondent no.4 has supported the arguments on behalf of respondent no.5.

7. At the outset, it would be appropriate to re-produce para 8 of

the order dated 14th August 2015, passed by this Court in Writ Petition No. 2619 of 2015, connected Writ Petitions thereto and Civil Applications therein, which reads thus :—

“ The said transfer orders and its effect were considered by us in the earlier Writ Petition. We did not interfere with the said orders of transfer. Subsequently, there is no order either withdrawing the said orders of transfer or cancelling the same. At least, no such order is placed on record. It was submitted by the petitioners in Writ Petition No. 6279 of 2015, that the said orders of transfer were not acted upon. The orders of transfer dated 06/07-11-2014 were considered by us in the earlier Writ Petition and challenge to the said transfer orders was negatived. In absence of any fresh transfer orders or any fresh orders being passed and in absence of any other order, the Education Officer cancelled the said approval granted in favour of the petitioner in Writ Petition No. 2619 of 2015. The said order of cancellation of approval is without notice to the petitioner and without hearing the petitioner. Initially, the approval was granted with regard to the transfer of the petitioner to the other School run by the

same institution on 3-1-2015 and the same is cancelled vide the impugned order without hearing the petitioner and without notice to the petitioner. When the said approval was being cancelled, minimum expectation was that notice ought to have been given to the said person against whom the said order of cancellation of approval was being passed. On this count itself, the order deserves to be set aside and is hereby set aside. "

8. Upon careful perusal of the observations in the said paragraph, it is abundantly clear that when the Writ Petitions were heard and decided on 14th August 2015, parties to this petition were also parties to those proceedings. It further appears that the order dated 2nd September 2015 passed by the Education Officer (Secondary), Zilla Parishad, Latur, is consequential order, inasmuch as, he has placed reliance upon order passed by this Court in Writ Petition No. 2619 of 2015 connected Writ Petitions thereto and Civil Applications therein. In that view of the matter, in our opinion, in order to avoid possibility of passing inconsistent orders, the petition deserves no consideration.

9. In the result, the petition is rejected. However, rejection of this petition shall not be an impediment in the way of the petitioner to seek review of the order dated 14th August 2015, passed by this Court in Writ Petition No. 2619 of 2015 and connected petitions, in case, there are

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grounds available for filing such review.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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