

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

Writ Petition No. 9644 of 2014

Jyoti Balkrishna Pawar,
Age : 32 years,
Occupation : Service,
R/o. Gunjalwadi,
Post : Rajapur,
Taluka : Sangamner,
District : Ahmednagar.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Department of School
Education & Sports Department,
Mantralaya, Mumbai.
2. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar.
3. Shivalaya Sarva Seva Bhavi Sanstha,
Gunjalwadi, Post : Rajapur,
Taluka : Sangamner,
District : Ahmednagar,
Through its Secretary.
4. Dnyandeep Madhyamik Vidyalaya,
Gunjalwadi, Post : Rajapur,
Taluka : Sangamner,
District : Ahmednagar,
Through its Head Master.

.. Respondents.

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Mr. Santosh S. Jadhavar, Advocate, for the petitioner.

*Mr. A.V. Deshmukh, Assistant Government Pleader, for
respondent nos.1 and 2.*

Mr. S.K. Shinde, Advocate, for respondent nos.3 and 4.

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

DATE : 14TH SEPTEMBER 2015

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

1. Heard learned Counsel for respective parties.
2. Perused the pleadings in the petition, annexures thereto, and the reasons assigned in the impugned order dated 28-8-2014, passed by the Education Officer (Secondary), Zilla Parishad, Ahmednagar, and also reply filed by him.
3. The petitioner has demonstrated that the management did submit necessary documents before the Education Officer (Secondary), Zilla Parishad, Ahmednagar. However, without hearing the management, conclusions were reached by the Education Officer vide impugned communication and in particular, at Clause No.6, that the recruitment process was not conducted as per Government Resolution dated 6th February 2012. However, according to the petitioner and the respondent - management, petitioner was appointed on 24th July 2007. It appears that the Education Officer has not properly appreciated the documents submitted by the respondent - management and sent the impugned communication without hearing the management.

4. In our opinion, without entering into merits of the matter, ends of justice will be met if the impugned communication dated 28th August 2014 is set aside, and respondent no.2 is directed to take fresh decision after hearing representative of respondent no.3 and Head Master of respondent no.4, within a stipulated period.

5. Hence, the impugned communication dated 28th August 2014 (Exhibit "E" to the petition) is set aside, with a direction to respondent no.2 i.e. Education Officer (Secondary), Zilla Parishad, Ahmednagar, to take fresh decision in the matter, after hearing representative of respondent no.3 and Head Master of respondent no.4, as expeditiously as possible, however, within six weeks from today, and communicate the decision to respondent nos.3 and 4, so also, the petitioner.

6. It is needless to observe, that if the Education Officer finds that the petitioner's appointment is in accordance with Rules and procedure, he shall take immediate steps for release of salary of the petitioner.

7. With the above directions and observations, the petition is disposed of.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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