

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 9867 OF 2012

NAMDEO BALLU RATHOD  
VERSUS  
THE CHAIRMAN, ADARSH EDUCATION SOCIETY AND ORS

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Advocate for Petitioner : Shri Patil Pravin S.  
Advocate for Respondents 1 & 2 : Shri Rane Girish  
AGP for Respondent 3 : Smt. Kshirsagar Y.M.

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CORAM : RAVINDRA V. GHUGE, J.  
Dated: June 22, 2015  
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PER COURT :-

1. I have heard this matter for a short-while. The impugned order, dated 28.8.2012, is passed by the learned Divisional Social Welfare Officer, Nasik, in Appeal No.13 of 2011.
2. Shri Patil, learned Advocate submits that his entire case was based and dependent upon the record maintained by respondent Nos.1 and 2, who never appeared before the concerned authority. In his submissions, had they appeared and produced the record, the authority below would have considered the veracity of the documents produced and their probative value and then would have been in a better position to adjudicate upon Appeal No.13 of 2011. Issue involves approval of the services of the petitioner, which have been terminated, by order dated 29.1.2008.
3. Shri Rane, learned Advocate submits that respondents 1 and 2 will appear before the authority below, if the matter is remanded and would produce the entire record pertaining to the employment of the petitioner, approval granted and proposals for approval, if any. This statement is made, on instructions, from the Head Master - respondent No.2, who is present in the Court.

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4. Responding to the same, Shri Patil submits that if the entire record is produced before the authority below, the grievance of the petitioner would be looked into appropriately.

5. In the light of the above and the peculiar facts of the case, this petition is partly allowed. The impugned order dated 28.8.2012, delivered by the competent authority at Nasik, in Appeal No.13 of 2011 is set aside. Appeal No.13 of 2011 is, therefore, remitted to the appellate authority / Divisional Social Welfare Officer, Nasik for fresh adjudication.

6. The litigating sides agree to appear before the said Authority on 10.7.2015. Separate notice, therefore, need not be issued by the concerned Authority. Respondent Nos.1 and 2 shall file all relevant documents, pertaining to the employment and non-employment of the petitioner before the authority below, on/or before 31.7.2015, and supply copies of the said documents to the petitioner. The concerned authority shall thereafter, decide Appeal No.13 of 2011, after hearing all the sides on its own merits and by considering the record produced.

7. In the light of the termination of the petitioner, the concerned Authority shall decide the appeal as expeditiously as possible and preferably on/or before 23.12.2015.

( RAVINDRA V. GHUGE, J. )

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