

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.479 OF 2015

Smt. Darshana Ashish Kasture .. Petitioner
-Versus-
Deputy Director of Education
Pune Region and Ors. .. Respondents

Mr.Surel S. Shah for petitioner
Mrs. S.S.Bhende, AGP for State
Mr.N.V.Bandiwadekar i/b. Sagar Mane for respondent No.3

CORAM : SMT. V.A.NAIK &
C.V.BHADANG, JJ.
DATE : 30th January 2015.

P.C.

By this petition, the petitioner impugns the order of the Deputy Director of Education, Pune dated 4th September 2014, terminating the service of the petitioner and seeking recovery of salary. The petitioner has also challenged the consequential order of the Education Officer (Secondary) dated 7th November 2014 canceling the approval to the appointment of the petitioner on the post of Headmistress.

Inter alia, it is submitted on behalf of the petitioner that the impugned order of the Deputy Director is liable to be set aside

as the petitioners were not heard before the impugned order was passed.

Learned AGP appears on behalf of the Deputy Director and states on instructions that personal hearing was not granted to the petitioners before the impugned order was passed.

In view of the aforesaid, we quash and set aside the impugned order dated 4th September 2014 as also the consequential order dated 7th November 2014.

We direct the Deputy Director of Education to decide the application filed by the respondent No.3 after hearing the respondent No.3 and the petitioners afresh and in accordance with law. Parties undertake to remain present before the Deputy Director of Education on 16th February 2015 so that issuance of notice to the parties could be dispensed with. Order accordingly. No costs. All points raised in the petition are kept open.

(C.V.BHADANG, J)

(SMT. V.A.NAIK , J.)