

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION No. 1674 OF 2015**

|                                 |     |             |
|---------------------------------|-----|-------------|
| Gopal Laxman Gavade & Ors.      | ... | Petitioners |
| vs.                             |     |             |
| The State of Maharashtra & Ors. | ... | Respondents |

Mr. A.R. Rayani, Advocate for the petitioners.  
Ms. S.S. Bhende, AGP for the respondent/State.

**CORAM : SMT. VASANTI A. NAIK &  
C.V. BHADANG, JJ.**  
**DATE : 18<sup>th</sup> February, 2015.**

**P.C.**

By this Petition, the petitioners impugn the order of the District Social Welfare Officer, Zilla Parishad, Solapur dated 20<sup>th</sup> March, 2014 cancelling the approval to the appointment of the petitioners on the post of Art teachers and caretaker.

On hearing of the learned counsel for the parties and on perusal of the impugned order, it appears that the order was passed by the District Social Welfare Officer without hearing the petitioners. It also appears that the approval was cancelled on the ground that condition no. 2 in the order of approval dated 31<sup>st</sup> January, 2014 was not followed by the Educational Institution-Management. We do not find that the District Social Welfare Officer was justified in cancelling the approval of the petitioners on the aforesaid ground. Condition no. 2 in the approval order dated 31<sup>st</sup>

January, 2014 only mentions that if the appointment of the petitioners is challenged in a Court of law, the Management-Educational Institution would be solely responsible. Since the petitioners were not heard before the impugned orders were passed and since the reason for cancellation of the approval is bad, the impugned order is liable to be set aside.

Hence, for the reasons aforesaid, the Writ Petition is allowed. The impugned order dated 20<sup>th</sup> March, 2014 is quashed and set aside.

Order accordingly. No order as to costs.

**(C.V. BHADANG, J.)**

**(VASANTI A. NAIK, J.)**