

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.192/2015

Sanjay s/o Chintamanrao Bondre

...Versus...

State of Maharashtra, through its Secretary, Department of Education,
Mantralaya, Mumbai-32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.B. Dharmadhikari, Advocate for petitioner
Shri D.P. Thakare, AGP for respondent nos.1 and 2
Mrs. I.L. Bodade and Shri G.G. Mishra, Advs. for respondent no.3

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : 25.03.2015

By this petition, the petitioner challenges the order of the Education Officer (Primary), Zilla Parishad, Nagpur dated 29.12.2014, cancelling the approval to the appointment of the petitioner on the post of Headmaster.

Inter alia, it is submitted on behalf of the petitioner that the impugned order is liable to be set aside as the approval to the appointment of the petitioner has been cancelled without hearing the petitioner.

Shri Mishra, the learned Counsel for the respondent no.3 does not dispute that the petitioner was not personally heard. It is, however, stated on behalf of the respondent no.3 that the petitioner had not replied to the show-cause-notice.

Since it is well settled that an approval to the appointment of an employee cannot be cancelled without granting an opportunity of hearing to the employee and since in this case the Education Officer has cancelled the approval without hearing the petitioner, the impugned order is liable to be quashed and set aside.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order is quashed and set aside. The respondent – Education Officer is directed to take a decision in the matter after hearing the petitioner. The petitioner undertakes to remain present before the Education Officer on 13.04.2015 so that the issuance of notice to the petitioner could be dispensed with.

Order accordingly. No costs.

JUDGE

JUDGE

Wadkar