

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2002 /2015

(Shivaji Bahuuddeshiya Adiwasi Sanstha vs. The State of Maharashtra and others)

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

Court's or Judge's order

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Shri S.D.Chande, Advocate for the petitioner
Shri Nitin Rode, Assistant Govt. Pleader for Respondent Nos.1 to 3
Shri Amol Deshpande, Adv. for Respondent No.4
Shri S.G.Bhandare, Adv. for Respondent no.6
Shri A.J.Gilda, Adv. for Respondent no.7

CORAM : SMT. VASANTI A. NAIK &
A.I.S. CHEEMA, JJ.

DATED : 7th October, 2015.

Heard.

By this Petition, the petitioner impugns the order of the Education Officer (Primary), Zilla Parishad, Washim, dated 28.11.2014, holding that the transfer of the respondent nos.5 and 6 from the Schools at Manora and Mangrulpir respectively, was not proper and the respondent no.5 could be considered as untrained teacher in Maa Ambe Primary School, Mangrulpir.

Inter alia, the impugned order is challenged by the petitioner on the ground that neither the

petitioner-Sanstha nor the respondent nos. 5, 6 and the respondent no.7-Sanstha were heard by the Education Officer (Primary), before the impugned order was passed. It is submitted that it was necessary for the Education Officer to hear the petitioner-Management that had transferred the teachers, i.e. respondent nos.5 and 6 at the relevant time, and also the respondent nos. 5,6 and 7. It is submitted that the order passed by the Education Officer is violative of the principles of natural justice.

The learned Counsel for the Zilla Parishad fairly admits that neither the petitioner nor the respondent nos. 5 , 6 and 7 were heard in the matter before the impugned order was passed.

If that be so, as rightly submitted by the learned counsel for the petitioner, the order is clearly violative of the principles of natural justice and is liable to be quashed and set aside.

In the circumstances of the case, we quash and set aside the impugned order. The Education Officer (Primary) is directed to decide the matter afresh after granting an opportunity to the concerned parties. The parties undertake to remain present before the Education Officer (Primary), Zilla Parishad, Washim on 19th October, 2015, so that the issuance of notice to the parties

could be dispensed with. Order accordingly. No costs.

JUDGE

JUDGE

sahare