

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

CIVIL APPLICATION W. NO.141/2015

AND

WRIT PETITION NO.2469/2014

Smt. Kalpana w/o Dilip Mungle

...Versus...

The Education Officer (Secondary), Zilla Parishad, Nagpur 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 P.K. Dhomne, Advocate for petitioner
Shri T.R. Kankale, AGP for respondent no.1
Shri P.S. Khubalkar, Advocate for respondent no.2.
Shri Anand Parchure, Advocate for respondent no.3

**CORAM : B.P. DHARMADHIKARI AND
A.P. BHANGALE, JJ.**

DATE : 21.01.2015

P.C.

Respondent no.3 has taken out Civil Application No.141/2015 for expeditious hearing.

Advocate Shri Dhomne for the petitioner submits that the matter has been admitted and interim relief has been continued after hearing all the parties.

Heard learned Counsel for the parties.

Advocate Shri Parchure for respondent no.3 submits that respondent no.3 has no objection, if the impugned order is set aside and the matter is placed back before respondent no.1 for

fresh consideration. He points out that one of the grievances of the petitioner is that the petitioner is not extended an opportunity of hearing.

Advocate Shri Dhomne for the petitioner submits that it was only one of the grievances that the petitioner was not heard. He further states that interim order is now operating in favour of the petitioner.

In this situation, we set aside the impugned order dated 26.2.2014. However, it shall not affect the interim orders operating in favour of the present petitioner and till respondent no.1 passes further orders after hearing all the concerned, the said interim order shall continue to operate.

The parties to appear before respondent no.1 on 21.2.2015. The said respondent shall thereafter take fresh decision in the matter, in accordance with law, within a period of three months thereafter.

Accordingly, the writ petition is partly allowed and disposed of. Rule accordingly. The civil application is also disposed of accordingly. No costs.

Needless to mention that other arguments open to the parties are protected and can be advanced as and when occasion therefor arises.

JUDGE

JUDGE