

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

Writ Petition No. 2694 of 2015

(Ramashankar S/o Ramadhar Mishra and ors. Vs. The State of Mah. Through
its Secretary, School Education and Sports Dept. and ors.)

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. P. Bhandarkar, Advocate for the petitioners
Shri Shaikh Majid, Advocate for the respondent no. 3
Ms. T. H. Udeshi, AGP for the respondent nos. 1 and 2

**CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.**

DATE : 18-12-2015.

Heard.

Shri Bhandarkar, the learned counsel for the petitioners states that the recovery of the amount paid to the petitioner towards salary was directed by the Education Officer (Primary) on a wrong assumption that approval to the appointment of the petitioner was cancelled on 16-2-2010. It is stated that the Education Officer (Primary), Zilla Parishad, Nagpur did not consider that on 16-3-2011, the Education Officer (Primary) had again granted approval to the appointment of the petitioner on acquiring the requisite qualification. It is stated that the order of recovery is bad in law as it is based on a wrongful belief that the petitioner's approval stood cancelled on 16-2-2010 and there was no approval to the appointment of the petitioner.

Shri Shaikh Majid, the learned counsel for the Zilla Parishad does not dispute that the approval was

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granted to the appointment of the petitioner no. 1 on 16-3-2011 after the petitioner acquired requisite qualification and the said fact was not noticed by the Education Officer (Primary) before the impugned order was passed on 22-4-2015. It is stated that the entire salary is paid to the petitioner and nothing is due and payable.

In the circumstances of the case, we quash and set aside the order dated 22-4-2015.

Order accordingly. No costs.

JUDGE

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