

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4755/2015

(BHARTIYA SEVA ACHARYA EDUCATION SOCIETY, NAGPUR & ANOTHER **VERSUS** THE STATE
OF MAHARASHTRA & OTHERS)

WITH

WRIT PETITION NO. 4981/2015

(PRATIK VISHNUPRASAD DWIVEDI & OTHERS **VERSUS** THE STATE OF MAHARASHTRA &
OTHERS)

WITH

WRIT PETITION NO. 4982/2015

(RAVINDRA RAISINGH SALAME **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri R.S. Parsodkar, counsel for the petitioners.
Shri A.S. Fulzele, Additional G.P. and Shri N.S. Khubalkar, A.G.P. for the
R-State.
Shri G.G. Mishra h/f Smt.I.L. Bodade, counsel for the R-3.
Shri A.Parchure, counsel for the R-4 in WP Nos.4981/15 & 4982/15.

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

DATE : OCTOBER 27, 2015.

By this petition, the petitioners challenge the order of the Education Officer, Zilla Parishad, Nagpur, dated 23.07.2015 cancelling the approval to the appointment of the petitioners as Assistant Teachers and Shikshan Sevaks.

According to the petitioners, the impugned order could not have been passed by the Education Officer without hearing the petitioners. It is stated that before the Education Officer cancelled the approval to the appointment of the petitioners, it was necessary for the Education Officer to have heard the petitioners. It is stated that the orders adversely affecting the petitioners could not have been passed behind their back.

Shri Mishra, the learned counsel for the respondent no.3-Education Officer, Nagpur, states on a perusal of the impugned orders that the petitioners were not heard though the management that appointed the petitioners was heard in the matter.

Since the petitioners were admittedly not heard in the matter of cancellation of the approval to the appointment of the petitioners and since it was necessary for the respondent no.3-Education Officer to hear the petitioners before cancelling the approval to the appointment of the petitioners, we quash and set aside the impugned order so far it cancels the approval to the appointment of the petitioners. The respondent no.3-Education Officer is free to take appropriate action in the matter of cancellation of approval to the appointment of the petitioners after hearing the petitioners and the management. The petitioners and the management undertake to appear before the respondent no.3-Education Officer, Nagpur on 17.11.2015 so that issuance of notice could be dispensed with.

The writ petition is allowed in the aforesaid terms and disposed of. No costs.

JUDGE

JUDGE

APTE