

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

WRIT PETITION NO.7085/2014

Diwakar s/o Marotrao Chaple

...Versus...

The 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 P.P. Thakare, Advocate for petitioner
Shri D.P. Thakare, AGP for respondent nos.1 to 3

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

DATE : 25.03.2015

Heard.

By this petition, the petitioner challenges the order of the Deputy Director of Education, Nagpur dated 18.9.2014 reducing the pay of the petitioner and directing the recovery of the excess amount paid to the petitioner.

It is stated on behalf of the petitioner that the impugned order is liable to be set aside mainly on the ground that the petitioner was not afforded an opportunity of hearing before the impugned order was passed. It is stated that if the pay of the petitioner was to be reduced or if the recovery was to be directed, it was necessary to hear the petitioner.

Shri Thakare, the learned Assistant Government Pleader for the respondent nos.1 to 3 fairly admits that the petitioner was not heard before the impugned order was passed.

Since the impugned order is passed without hearing the petitioner, the writ petition is partly allowed. The impugned order is quashed and set aside. The Deputy Director of Education may re-decide the matter after hearing the petitioner.

Order accordingly. No order as to costs.

JUDGE

JUDGE

Wadkar