

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD

**WRIT PETITION NO.1518 OF 2016**

Sanjay s/o Jijabrao Rajput  
Age major, Occ. Nil,  
R/o Plot No.96, Gat No.28,  
Muktai Nagar, S.M.I.T. College, Jalgaon. ... PETITIONER

**VERSUS**

1. The State of Maharashtra  
through its Secretary,  
Ministry of Co-operation, Marketing  
and Textile Department,  
Mantralaya, Mumbai
2. The Co-operation Commissioner  
and Registrar of Co-operative Societies,  
Maharashtra State, New Central  
Building, Pune - 411 001
3. The Divisional Assistant Registrar,  
Co-operative Societies,  
Nashik Division, Nashik
4. The District Deputy Registrar,  
Co-operative Societies, Jalgaon.
5. The District Special Auditor, Class-1,  
Co-operative Societies, Jalgaon.
6. The Assistant Registrar,  
Co-operative Societies, Yawal,  
Tq. Yawal, Dist. Jalgaon. ... RESPONDENTS

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Shri Girish Nagori, Advocate for petitioner  
Shri S.S. Dande, A.G.P. for respondents  
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CORAM:     R.M. BORDE AND  
                  A.I.S. CHEEMA, JJ.

DATED:     25th February, 2016.

ORAL JUDGMENT ( Per R.M. Borde, J.):

1.             Rule.     Rule made returnable forthwith.     With the consent of learned counsel appearing for the parties, the petition is taken up for final disposal at admission stage.

2.             The petitioner is objecting to the order dated 3.12.2015, passed by respondent No.2, directing removal of his name from the list of approved Auditors for a period of five years.     The action appears to have been taken by the Commissioner for Co-operation, Pune as a consequence of registration of crime against the petitioner.

3.             On perusal of the order, it appears that, the same has been issued without extending an opportunity of hearing to the petitioner.     The petitioner has also stated on oath that the Commissioner for Co-operation, before issuing the impugned order, has not extended opportunity of hearing to the petitioner. Since the impugned order has been issued without observing the principles of natural justice, the same deserves to be quashed and set aside.

4. It would be open for the Commissioner for Co-operation to pass appropriate orders after extending opportunity of hearing to the petitioner. The notice in respect of proposed action shall also have to be served upon the petitioner well in advance.

5. In view of above, the Writ Petition is allowed. The order dated 3.12.2015, issued by the Commissioner for Co-operation and Registrar of Co-operative Societies, Maharashtra State, Pune is quashed and set aside. The matter stands remitted back to the concerned authorities. As has been stated above, before passing any order, the concerned respondent shall extend an opportunity of hearing to the petitioner and the action shall be preceded by an appropriate notice indicating the action proposed to be taken against the petitioner.

6. Rule made absolute accordingly. There shall be no order as to costs.

(A.I.S. CHEEMA, J.)

( R.M. BORDE, J.)