

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

WRIT PETITION NO. 2664 OF 2015

Akka Chunya Pawra

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Kalyan Patil, Advocate h/f Shri S. R. Barlinge, Advocate for the Petitioner.

Shri M. B. Bharaswadkar, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 17TH OCTOBER, 2016.

PER COURT :

. Mr. Patil, the learned counsel for the petitioner submits that, the petitioner was granted approval as trained craft teacher. However, the said approval was abruptly cancelled without notice to the petitioner and without hearing the petitioner by the impugned order dated 14.01.2015. As per the Schedule B to the Maharashtra Employees of Private Schools (Condition of Service Regulation) Act, the petitioner possesses required qualification.

2. Mr. Bharaswadkar, the learned A. G. P. states that, the petitioner does not possess the D. Ed. qualification, as such the

said order is rightly passed.

3. It is not disputed that, the services of the petitioner were approved as trained teacher vide order dated 06.06.2008 and the same was been continued. Abruptly vide the impugned order dated 14.01.2015 the same has been cancelled without notice to the petitioner.

4. Initially when the proposal seeking approval to the appointment is forwarded to the Education Officer, the Education Officer is not required to hear the candidate. However, when the approval is granted to the said appointment and same is sought to be cancelled, in such an eventuality, the petitioner who would be prejudicially affected ought to have been heard.

5. As the impugned order is passed without notice to the petitioner and without hearing the petitioner, the impugned order dated 14.01.2015 (Exhibit - D) is quashed and set aside. The respondent/Commissioner i. e. the respondent No. 2 shall before taking any decision with regard to the approval granted to the appointment of the petitioner shall hear the petitioner. The petitioner may appear before the respondent No. 2 on 16.11.2016. The respondent No. 2 shall thereafter take fresh decision with regard to the approval of the petitioner as a trained

teacher expeditiously. The writ petition accordingly disposed of.
No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct. 16