

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

WRIT PETITION NO. 10213 OF 2016

Swami Vivekanand Sarvajanic Vachanalaya
Pattiwadgaon, Tq.Ambejogai, Dist.Beed.
Through its Secretary,
Shri Anil s/o Ganpat Lavhare,
Age : 45 years, Occupation : Agriculture
and Social Work,
R/o Pattiwadgaon, Tq.Ambejogai,
Dist.Beed.

...PETITIONER

-VERSUS-

- 1 The State of Maharashtra.
Through its Secretary,
Department of Higher and
Technical Education,
Mantralaya, Mumbai-32.
- 2 The Hon'ble Minister,
Higher and Technical Education,
M.S., Mantralaya, Mumbai.
- 3 The Director of Libraries,
Nagar Bhavan, Maharashtra State,
Mumbai.
- 4 The Assistant Director of Libraries,
Aurangabad Division, Sahajeevan Colony,
Samarthnagar, Aurangabad.
- 5 The District Librarian,
Government District Library,
Beed.

...RESPONDENTS

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Advocate for Petitioner : Shri Chavan Sudhir K.

AGP for Respondents/ State : Smt.Vaishali Jadhav-Patil.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 25th October, 2016

Oral Judgment :

1 Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2 The submissions of the Petitioner were recorded on 14.10.2016 as under:-

"1 The Petitioner is aggrieved by the order dated 07.09.2016 delivered by the Honourable Minister for Higher and Technical Education vide which Appeal No.2/2013 filed by the Petitioner has been rejected.

2 The Petitioner submits that the hearing on his appeal took place on 08.06.2015. The in-charge Director of Libraries has filed a report dated 15.06.2015, copy of which was not served upon the Petitioner. No hearing was conducted after the submission of the report and the impugned order has been passed after about 15 months.

3 Issue notice before admission to Respondent Nos.3, 4 and 5. The learned AGP waives service for the said Respondents. For the present, I am not issuing notice to Respondent Nos.1 and 2.

4 By consent of the parties, notice is made returnable on 24.10.2016."

3 Though the learned AGP does not dispute that the impugned
order was passed after 15 months from the date of hearing, it is
strenuously submitted that the impugned order would indicate the lapses
on the part of the Petitioner for which the recognition of his library has
been cancelled. It is, therefore, prayed that this petition be dismissed with
costs.

4 I have considered the submissions of the learned Advocates.

5 The impugned order passed by the Honourable Minister dated
07.09.2016 is self explanatory. It is noted that the hearing took place on
08.06.2015. The in-charge Director of Libraries submitted his report on
15.06.2015 and the impugned order (single sentence) rejecting the appeal
of the Petitioner is passed after 15 months on 07.09.2016. The same is,
therefore, unsustainable.

6 In the light of the above, this Writ Petition is partly allowed.
The impugned order dated 07.09.2016 passed by the Honourable Minister
is quashed and set aside and Appeal No.2/2013 is remitted to the
appropriate Department/ Honourable Minister for a hearing afresh.
Needless to state, the copy of the report dated 15.06.2015 filed by the in-
charge Director of Libraries, if not already served upon the Petitioner, shall

be supplied to him and thereafter, the competent authority shall conduct the hearing by giving a reasonable opportunity to all the litigating sides.

7 Considering the above, the litigating sides shall appear before Respondent No.1/ Secretary, Department of Higher and Technical Education on 09.12.2016 at 03:00 pm and thereafter, shall abide by the dates of hearing on which the matter may be posted either before Respondent No.1 or Respondent No.2.

8 Rule is made partly absolute in the above terms.

kps

(RAVINDRA V. GHUGE, J.)