

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

**WRIT PETITION NO. 10024 OF 2014**

Shamrao S/o Subhashrao Motalkar ... Petitioner

VERSUS

The State of Maharashtra &amp; Ors. ... Respondents

.....

Mr Anand V. Patil (Indrale), Advocate for the petitioner  
Mr S. P. Deshmukh, AGP for respondent/State  
Mr Abhijit Choudhari, Advocate for respondents no. 3 and 4  
Mr A. A. Mukhedkar, Advocate for respondents No. 5 and 6

CORAM : S. S. SHINDE &  
SANGITRAO S. PATIL, JJ.

DATE : 30<sup>th</sup> JUNE, 2016.

**PER COURT:**

. Heard learned counsel appearing on behalf  
of the respective parties.

2. Perusal of the impugned communication between the Headmaster of Shri. Gangaram Patil High School, Niwgha (Bz.), Tq. Hadgaon, Dist. Nanded and Education Officer (Secondary), Z.P. Nanded reveals that, the approval granted to the appointment of the petitioner as a Shikshan Sevak was cancelled without assigning any reason.

3. Learned AGP appearing for the State invited our attention to the averments made in the reply filed by respondent No. 2 and submits that, though the notice was issued to the petitioner to attend the hearing on the complaint filed by the then President of the institution, the petitioner did not cause his appearance for the same. The Chairman and Headmaster so also the Secretary of the Management specifically admitted that the petitioner is not working with the said school and therefore the approval granted to the appointment of the petitioner as Shikshan Sevak was cancelled.

4. On the other hand, learned counsel appearing for the respondent-management submits that, the Management has resolved to continue the petitioner in service as Shikshan Sevak.

5. The Education Officer is required to ascertain as to whether the notice issued by him was served upon the petitioner.

6. Upon hearing the learned counsel appearing on behalf of the respective parties, we are of the opinion that, the impugned order/communication suffers from non-assigning any reason for cancellation of approval to the appointment of the petitioner and on that count alone, the impugned communication deserves to be quashed and set aside and same is accordingly quashed and set aside.

7. However, it is open for the Education Officer to pass fresh order after hearing the respective parties and perusing the relevant record. The counsel appearing for the petitioner, on instructions, submits that the petitioner would appear before the Education Officer on 11.07.2016 at 11:00 AM. The counsel appearing for respondent-Management also assured this Court that the representative on behalf of the respondent-Management will attend the office of Education Officer on 11.07.2016. It will be open for the Education Officer to hear the petitioner and management and to pass an appropriate order on 11.07.2016 itself or fix any other date as is

convenient for him. However, the entire exercise should be done within a period of six weeks from today and decision so taken by the Education Officer shall be communicated to the petitioner and the respondent-Management. Till that time, no any adverse action shall be taken against the petitioner.

8. It is needless to observe that, the Education Officer shall pass fresh order considering the merits of the proposal, without being influenced by the observations made by this Court in the instant order.

9. Petition stands disposed of in above terms.

10. Parties to act upon the authenticated copy of this order.

**[ SANGITRAO S. PATIL ]**  
**JUDGE**

**[ S. S. SHINDE ]**  
**JUDGE**