

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

WRIT PETITION NO. 4600 OF 2015

Ganesh Sarvajanik Vachanalaya and
andother .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 4604 OF 2015**

Dnyandeep Sarvajanik Vachanalaya and
andother .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Nitin V. Gaware, Advocate for Petitioners in both matters.
Ms. S. S. Raut, A.G.P. for Respondent Nos. 1 to 4 in both matters.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 11TH JULY, 2016.

PER COURT :

. Mr. Gaware, the learned counsel for petitioners states that, the petitioners had filed reply to the show cause notice, however, while passing the impugned order no reference is made to the reply, nor reply is considered. There are two contrary reports in

the case of petitioners, one recommending to give the grant and another not recommending the grant. The learned counsel submits that, point wise reply was given by petitioners. However, there is no whisper about the same in the impugned order. According to the learned counsel, Rule 8 of the Maharashtra Public Libraries (Recognition for Grant-in-Aid, Building and Equipment Grants) Rules, 1970 (for short "Rules of 1970") has not been followed.

02. The learned Assistant Government Pleader states that, the petitioners have remedy of appeal. They could have filed appeal within 30 days. The same having not been availed, the petitioners cannot have recourse to the writ jurisdiction of this Court. The learned A. G. P. further submits that, prior to passing of impugned order, principles of natural justice are followed. Show cause notice is issued to petitioners, reply was sought and considered. No illegality has been committed while passing impugned order.

03. We have considered the submissions canvassed by learned counsel for respective parties. No doubt, show cause notice was issued to the petitioners. The petitioners have filed their reply (Exhibit - E) and pointed out that, the deficiencies do not exist and the documents are also filed along with reply. However, the impugned order does not whisper about the reply being

considered. It also appears that, there are two separate reports contrary to each others submitted by Assistant Director Libraries. It was for the authorities to consider, however, the impugned order certainly does not depict application of mind and/or having considered the reply filed by the petitioners. The said order is not in consonance with Rule 8 of the Rules of 1970.

04. In the result, the impugned orders are quashed and set aside. The petitioners shall appear before the Director of Libraries/Competent Authority/respondent No. 02 on 01st August, 2016. The respondent No. 2 after considering the reply and documents filed by petitioners, so also report, shall decide the proceedings/issue afresh, in accordance with law, expeditiously and preferably within a period of six (06) months from the date of appearance. The contentions of respective parties are kept open. The writ petition is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]