

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.12226 OF 2015

**Mohmmadiya Education Society, Ahmednagar, through its
Secretary and another Vs. The State of Maharashtra and
others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.N.D.Sonwane, advocate holding for Mr.A.D.Shinde,
advocate for the petitioners.
Mr.V.H.Dighe, A.G.P. for the State.

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

Date : 25.08.2016.

PER COURT :

1. Heard.
2. Mr.Sonwane, learned counsel for the petitioner submits that the petitioner No.1 had submitted the proposal seeking approval to the appointment of the petitioner No.2 from the date of appointment i.e. 1.9.2012, However, the Education Officer granted the approval from 29.6.2015 i.e. from the date this Court had passed the order in W.P.No.2876/2015 and W.P.No.3178/2015. Learned counsel submits that this Court under order dated 29.6.2015 had categorically observed that the approval can not be rejected on the ground that prior permission was not obtained as the petitioner

No.1 institution is a Minority institution. Now vide the impugned order no reason is given as to why the approval is not granted from the date of appointment and the same is granted from 29.6.2015.

3. Mr.Dighe, learned A.G.P. states that though the petitioner claims to have been appointed in 2012, for the first time, the proposal is submitted in the year 2014. No reason is stated for non-submission of the proposal for two years. The approval is granted from the date of the order of this Court in the earlier Writ Petition.

4. In the impugned order, no reasons are given as to why the approval is not granted from the date of appointment. The affidavit-in-reply filed also does not remotely suggest any reason for non-grant of approval from the date of the appointment of the petitioner No.2 as claimed in the proposal. Reasons were required to be recorded if the approval was not being granted from the date as claimed by the petitioners. Reasons depict the application of mind of the authority, passing the order. Now a days the reasons are considered to be the third pillar of the principles of natural justice. Such an order can not be sustained.

5. In light of the above, the impugned order is quashed and set aside. The Education Officer (Secondary), Zilla Parishad, Ahmednagar, shall pass fresh orders on the proposal seeking approval to the appointment of the petitioner No.2 expeditiously, preferably within three (3) months.

6. The Writ Petition is accordingly disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.25.08.2016.
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