

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 3246 OF 2013**

Pen Education Society and anr. ..Petitioners  
Versus  
The State of Maharashtra and ors. ..Respondents

Mr. R. S. Apte, senior counsel with Mr. Neel G. Helekar, advocate for the petitioners.  
Mr. P. G. Sawant, AGP for respondent Nos. 1, 3 and 4.  
Mr. Rui. Rodrigues, advocate for respondent No.2.

**CORAM : SHANTANU KEMKAR &  
RANJIT MORE, JJ.**

**DATE : 2<sup>nd</sup> MAY, 2016.**

**P. C. :**

Parties through their counsel.

2. By filing this petition under Article 226 of the Constitution of India, the petitioners have challenged the order dated 9<sup>th</sup> November, 2009 as also the order dated 17<sup>th</sup> September, 2009, imposing penalty to the extent of 200% for the students admitted without permission. According to learned counsel of the petitioners, the impugned orders have been passed behind the back of the petitioners as no show cause notice or opportunity of hearing was ever accorded to the petitioners. He, therefore, prays that the impugned orders be set-aside and the matter be remitted back to respondent No.3-Director of Education(Higher Education), Pune.

3. Having considered the submissions made by learned counsel for the parties and having gone through the impugned orders, we find that the impugned penalty has been imposed on the petitioners without giving an opportunity of hearing to the petitioners. In the circumstances, we find that there is violation of the principles of natural justice in passing the impugned orders. As a result, we set-aside the impugned orders and remit the matter back to respondent No.3-Director of Education(Higher Education), Pune, for passing a fresh order. Before passing a fresh order, the respondent No.3 shall give an opportunity of hearing to the petitioners and pass a reasoned order taking into consideration all the grounds as may be raised by the petitioners. Needless to say that we have not expressed our opinion about merits of the contentions raised by the petitioners and it will be open for the said authority to consider and take appropriate decision in accordance with law as expeditiously as possible and not later than three months from the date of receipt of copy of this order. In view of aforesaid, the petition is disposed of.

**[RANJIT MORE, J.]**

**[SHANTANU KEMKAR, J.]**