

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4304 OF 2015

Deshmukh Balu Rajaram Petitioner
vs
State of Maharashtra & ors .. Respondents

Mr.J.G.Reddy for Petitioner
Ms.Rupali Shinde for Respondent nos.1 to 3.
Mr.Umesh Kurund for Respondent no.5

CORAM: SHANTANU KEMKAR AND
PRAKASH D.NAIK, JJ

DATE: 17 NOVEMBER 2016

P.C.

1. According to the petitioner, he was working on the post of Head Master since 2013. His appointment was approved on 26 July 2013. However, by the impugned notice dated 7 April 2015 the Deputy Director of Education, Pune Division has directed the Education Officer to cancel the approval of appointment of the petitioner. The grievance of the petitioner is that before passing the impugned order, no opportunity of personal hearing has been given. Even the show cause notice which was issued was not issued to the petitioner but, was issued to the Institution. He also submits that the impugned order is a non-speaking order as there is no application of mind and no consideration of the submissions made by the petitioner through his representation dated 16 February 2015 submitted before the said authority.

2. Having gone through the impugned order, we find that the impugned order is a non-speaking order, it appears to have been passed as the complainant was on hunger strike for non-fulfillment of demands raised by him and was sitting outside the Office of the Respondent- Deputy Director of Education. There is thus clear non-application of mind as also violation of principles of natural justice.

3. Keeping in view the aforesaid, we set aside the impugned order dated 7 April 2015 Exhibit P. However, with liberty to the Respondent no.2-Deputy Director of Education,Pune Division, Pune to issue a fresh show cause notice to the petitioner and to pass a fresh reasoned order after giving due opportunity of hearing to the Petitioner as also to the Complainant-Respondent no.5.

4. The aforesaid exercise be completed within a period of six weeks from the date of receipt of copy of this order. Needless to say that all contentions of the parties are kept open as we have not expressed any opinion on the merits of the matter.

Petition stands disposed of accordingly.

(PRAKASH D.NAIK, J)

{SHANTANU KEMKAR, J}

Rng

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Rng

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