

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7250 OF 2012

Bharatsingh N. Ghour

..Petitioner

Vs.

The State of Maharashtra and Others

..Respondents

Mr. Samir A. Kumbhakoni, for the Petitioner.

Mr. C. P. Yadav, AGP, for the Respondent Nos.1,4 and 5.

Mr. Vijay Killedar, for Respondent No.6.

CORAM :- **S.C. DHARMADHIKARI &**
B.P.COLABAWALLA, JJ.
DATE :- **DECEMBER 2, 2016.**

P. C.:

After hearing all parties and perusing the original records from the office of the Education Officer (Primary), Zilla Parishad, Solapur we are of the view that the matter for approval of the Petitioner's appointment as a Peon cannot be decided in such a casual manner.

2 Ultimately, it concerns his livelihood. If the approval is not granted his services would come in jeopardy. In these

circumstances and when everybody except the management is before us so also the original endorsement in the file having been perused, we are of the firm view that this is a matter which must be resolved by none other than the Deputy Director of Education (Primary), Government of Maharashtra. The Deputy Director then holding office had filed an affidavit in this Court. He may have assigned some reasons but we do not see any specific order passed by him refusing the approval. Secondly, the Education Officer (Primary) has also not passed any order but relied on a telephonic communication from the office of the Deputy Director. This hardly sub-serves the larger public interest. This also does not accord with the principles of natural justice and fairness in public administration.

3 As a result of the above discussion, the Writ Petition succeeds. We direct the Director of Education (Primary) to pass a reasoned order after hearing not only the Petitioner but the representatives of the management. He shall also peruse the original records with the Zilla Parishad [Office of the Education Officer(Primary)] while passing the order.

4 Let all this be done by him as expeditiously as possible and before 31st January, 2017. The Writ Petition is disposed off.

5 The learned AGP to communicate this order to the Deputy Director of Education (Primary), Government of Maharashtra.

6 All concerned to act on an authenticated copy of this order.

(B. P. COLABAWALLA, J.) (S. C. DHARMADHIKARI, J.)