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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6834 OF 2012

Santoshkumar Dattu Ghodake ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Saurabh S. Pakale i/by Mr. Avinash Belge for the petitioner.

Mr. Vikas Mali, AGP for respondent nos. 1 to 3.

Mr. Vijay Killedar for respondent no. 4.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.
DATED : AUGUST 25, 2016.**

P.C.

Parties through their counsel.

2. By filing this petition under Article 226 of the Constitution of India, petitioner has challenged the order dated 1.2.2012 Exh. "G" by which, respondent no.5 has directed respondent no. 6 school that in view of reduction in the strength of the students, the approval granted to the petitioner as Headmaster is being cancelled. Learned counsel for the petitioner has submitted that before passing the impugned order, neither petitioner nor respondent no. 6 school has been provided an opportunity of

hearing. He submits that the order has caused serious prejudice to the interest of the petitioner. Petitioner ought to have been given show cause notice and an opportunity of hearing so that the petitioner could have defended his case. Having not done so, he submits that there is clear violation of principles of natural justice.

3. Having considered the submissions made by the learned counsel for the parties, we are of the view that as the impugned order has been passed in violation of principles of natural justice, the same is liable to be and is hereby quashed. The matter is remitted back to respondent no. 5 for taking a fresh decision. Petitioner and respondent no. 6 to appear before respondent no. 5 on 27/09/2016. Respondent no. 5 to issue notice of date of hearing to respondent no. 6.

4. After giving opportunity of hearing to the petitioner and respondent no. 6, respondent no. 5 shall pass a reasoned order as expeditiously as possible but not later than two months from the date of appearance of the parties before the said authority. All questions are left open.

Writ Petition stands disposed of accordingly.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)