

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 10028 OF 2016**

Swarupa Ramnath Thorat and ors. .. Petitioners

Vs.

Education Officer,

Secondary School

Zilla Parishad, Nashik and ors. .. Respondents

**WITH**

**WRIT PETITION NO. 10159 OF 2016**

Shri Sunil Manohar Lohar and ors. .. Petitioners

Vs.

The State of Maharashtra and ors. .. Respondents

**WITH**

**WRIT PETITION NO. 10252 OF 2016**

**(NO R&P)**

Sou. Sarika Dinesh Deshmukh and anr. .. Petitioners

Vs.

The State of Maharashtra and ors. .. Respondents

**WITH**

**WRIT PETITION NO. 10308 OF 2016**

Smt. Jayashri Mangesh Majukar and or. .. Petitioners

Vs.

The State of Maharashtra and ors. .. Respondents

Mr.Sandip Shinde i/b Ms.Kinnari Hingol, for the Petitioner in  
WP/10028/2016.

Me.Prashant Bhavake, for Petitioner in WP/10159/2016 & in

WP/10308/2016.

Mr. B.G. Lingade i/b Mr.D.S.Patil, for Petitioner in WP/10252/2016.

Mr.R.S.Apte, Senior Advocate, Special Counsel a/w Mr.Vikas Mali, AGP for State.

**CORAM : SHANTANU.S.KEMKAR &  
M.S.KARNIK, JJ.**

**DATE : 07<sup>th</sup> SEPTEMBER, 2016**

**PC. :**

. Parties through their Counsel.

2. While issuing notice in these matters, we granted interim order to the petitioners as we found that respondent – State had issued the impugned notification dated 23/08/2016 fixing the date of filing of the objection and of hearing on it but the said programme was not adhered to. We have also noticed that no just and proper opportunity was granted to the petitioners to file objections and no opportunity of hearing as contemplated in the said notice was given.

3. The State Government has filed reply and have justified their action. However, during the course of hearing,

learned Senior Counsel appearing for the respondent – State has fairly stated that the State is willing to give further opportunity to the petitioners to file objections and to grant opportunity of hearing to the petitioners in regard to the contentions as may be raised by them in the objections on facts as also on law and will pass appropriate speaking order.

4. In view of the aforesaid stand being taken by the learned Senior Counsel appearing for the respondent – State, we are inclined to dispose of all these Petitions by granting the liberty to the petitioners to submit detailed objections before the Authority mentioned in the notice dated 23/08/2016 within a week from today. Thereafter, the concerned Authority shall give opportunity of hearing to the petitioners. The Authority after giving opportunity of hearing shall pass reasoned order dealing with all the contentions as may be raised by the petitioners including jurisdiction of the Authority. The petitioners shall co-operate for hearing of the matters on the dates as may be fixed in that regard by the concerned Authority. After passing of the

order, in case, any adverse order is passed, the petitioners are at liberty to challenge the same before the appropriate forum. The petitioners who have already filed objections may also file additional objections within the aforesaid period.

5. All these Petitions stand disposed of.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)