

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1587 OF 2016

Ravindra Raising Salame

-vs-

The Education Officer (Primary), Zilla Parishad, and others

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders.

 Mr. S.S.Johsi, counsel for the petitioner.
 Mr. Majid Shaikh, counsel for the respondent No.1.
 Mrs. Kalyani Deshpande, AGP for the respondent No.2.
 Mr. Rohit Vaidya, counsel h/f Mr. Anand Parchure, counsel for the
 respondent Nos.3 and 4.

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 20.06.2016.

By this writ petition, the petitioner has challenged the order of the Education Officer (Primary), Zilla Parishad, Nagpur, dated 04/02/2016 cancelling the approval to the appointment of the petitioner. The petitioner has challenged the consequential order of the respondent No.4, dated 09/02/2016, terminating the services of the petitioner, in view of the order of cancellation of approval.

Learned counsel for the parties state that the issue involved in this writ petition was also involved in writ petition bearing Writ Petition No.975 of 2016 (Bhartiya Seva Acharya Education Society one another v. State of Maharashtra and others) and this Court has, by the order dated 17/06/2016, allowed the said writ petition and has quashed and set aside the order passed by Education Officer cancelling the approval to the appointment of the petitioners therein. It is stated that a similar order could be passed in this writ petition also.

Since we have, by the orders dated 17/06/2016, allowed three writ petitions in which similar orders were challenged, bearing Writ Petition No.975 of 2016 being one of them, it would be necessary to allow this writ petition also.

Hence, for the reasons recorded in the judgment dated 17/06/2016 in Writ Petition No.975 of 2016 and two other writ petitions, we partly allow this writ petition. The impugned order dated 04/02/2016 is quashed and set aside. The respondent-Education Officer (Primary) is free to take appropriate decision in the matter of cancellation of approval of the petitioner, in accordance with law after hearing the petitioner. The petitioner undertakes to appear before the Education Officer (Primary) on 11/07/2016, so that issuance of notice to the petitioner could be dispensed with. Since the order of the respondent No.4 is based on the order of the Education Officer (Primary), that is quashed and set aside, we hereby quash and set aside the order of the respondent No.4, dated 09/02/2016. It is needless to mention that the petitioner would be entitled to receive salary till a decision is rendered by the Education Officer (Primary) in the matter of cancellation of approval of the petitioner.

Order accordingly. No order as to costs.

JUDGE

JUDGE