

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

WRIT PETITION NO.1716 OF 2016

Bhawana Shankarrao Chauhan

-vs-

The State of Maharashtra, Department of Education, Mantralaya, Mumbai-32 and ors

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

Court's or Judge's Orders.

Mr.Anand Parchure, counsel for the petitioner.
Mr.Nikhil Joshi, AGP for the R-1 & 2.
Mr.P.S. Sahare, counsel for the R-3.
Mr.S.M. Prasad, counsel for the R-4.

CORAM : SMT. VASANTI A. NAIK &
V. M. DESHPANDE, JJ.

DATE : MARCH 30, 2016.

The impugned order of the Education Officer (Secondary), Zilla Parishad, Nagpur dated 29.2.2016 is *inter alia* challenged by the petitioner on the ground that the same is violative of the principles of natural justice, inasmuch as the order of absorption of the petitioner in the respondent No.3-School was cancelled without hearing the petitioner. It is stated that it was necessary for the respondent-Education Officer (Secondary), Zilla Parishad, Nagpur to have heard the petitioner as well as the respondent No.4 before passing the impugned order.

Shri Nikhil Joshi, the learned Assistant Government Pleader appearing on behalf of the Education Officer states, on instructions, that the Education Officer had not heard the petitioner or the respondent No.4 before passing the impugned order.

If that be so, the impugned order cannot be sustained as it is violative of the principles of natural justice.

It was necessary for the respondent-Education Officer to have heard the petitioner and the respondent No.4 before passing the impugned order. The impugned order cannot be sustained.

Hence, for the reasons aforesaid, the writ petition is allowed. The impugned order is quashed and set aside. The Education Officer (Secondary) is, however, free to pass an appropriate order after hearing the petitioner and the respondent No.4. The petitioner and the respondent No.4 undertake to appear before the Education Officer on 25.4.2016 so that the issuance of the notice could be dispensed with.

Order accordingly. No costs.

JUDGE

JUDGE

!! BRW !!