

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

WRIT PETITION NO.3827/2016

Navodaya Gramin Shikshan Prasarak Mandal, Hiwarkhed, through its
President/Secretary, Tq. Morshi, Distt. Amravati and another

...Versus...

Education Officer (Sec.), Zilla Parishad, Camp, Amravati, Tq. and Distt. Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Patil, Advocate for petitioners
Shri I.J. Damle, AGP for respondent

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

DATE : 25.11.2016

By this petition, the petitioners impugn the order of the Education Officer (Secondary), dated 17.6.2016 cancelling the approval to the appointment of the petitioner no.2 on the post of Assistant Teacher.

Inter alia, it is submitted on behalf of the petitioners that the impugned order is liable to be set aside as though elaborate submissions were made on behalf of the petitioner no.1 – Education Society and the petitioner no.2 – Assistant Teacher against the cancellation of the approval to the appointment of the petitioner no.2 on the post of Assistant Teacher, the Education Officer has not applied his mind to the submissions made by the petitioner nos.1 and 2 and has cancelled the approval to the appointment of the petitioner no.2 by a cryptic order on the ground that the appointment of the petitioner no.2 was wrongly made on a post earmarked for the Vimukta Jatis though the petitioner no.2 belongs to the Other Backward Classes. It is stated that it was canvassed by the petitioner nos.1 and 2 before the

Education Officer that the post earmarked for the Vimukta Jatis was not filled then and the petitioner no.2 was appointed on a post that was not earmarked for the Vimukta Jatis. It is stated that though several grounds were raised on behalf of the petitioner nos.1 and 2 before the Education Officer and all those submissions are recorded in the impugned order, the Education Officer has not applied his mind to the submissions and by an unreasoned order cancelled the appointment of the petitioner no.2.

On hearing the learned Counsel for the parties and on a perusal of the impugned order, it is apparent that the Education Officer has not applied his mind to the submissions made on behalf of the petitioner nos.1 and 2. Though the submissions are elaborately recorded in the impugned order by the Education Officer, they are not discussed and no reasons are recorded for rejecting the same. It appears that by an extremely cryptic order, which is sans reasons, the Education Officer has cancelled the approval to the appointment of the petitioner no.2. As it is well settled that an order without reasons is not an order in the eye of law, the impugned order is liable to be set aside.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order is quashed and set aside. The Education Officer is free to pass appropriate orders, in accordance with law, after hearing the petitioners and the other concerned parties.

Order accordingly. No costs.

JUDGE

Wadkar

JUDGE