

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

WRIT PETITION NO. 773 OF 2016

Ms. Satyafula d/o Shripatrao Dhoke

-vs-

Education Officer, (Primary), Zilla parishad, Nagpur 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. V.A.Bramhe, counsel for the petitioner.
 Mrs. Indira Bodade, counsel for the respondent No.1.
 Ms N.P. Mehta, AGP for the respondent No.2.
 Mr. S.A. Lambat, counsel h/f Mr.A.C. Dharmadhikari, counsel for the
 respondent No.3.
 Mr. N. S. Deshpande, counsel for the respondent No.4.

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

DATE : 22.06.2016.

By this writ petition, the petitioner challenges the order of the Education Officer (Primary), Zilla Parishad, Nagpur cancelling the order granting approval to the transfer of the petitioner from the non-grant-in-aid school to the grant-in-aid school.

Inter alia, the impugned order is challenged by the petitioner on the ground that the same is violative of the principles of natural justice. It is stated that the said order is passed without granting an opportunity of hearing to the petitioner. It is stated that the petitioner is working in the grant-in-aid school for past several years.

Mrs. Indira Bodade, the learned counsel for the Education Officer (Primary), submits that the transfer of the petitioner from a non-grant-in-aid school to a grant-in-aid school could not have been effected. It is stated that since the order transferring the petitioner from a non-grant-in-aid school to a grant-in-aid school was bad, the same was rightly set aside. It is, however, fairly admitted that the petitioner was not granted an opportunity of hearing before the impugned order was passed.

Since the impugned order is passed in violation of the principles of natural justice, the same cannot be sustained. It was necessary for the Education Officer (Primary) to have heard the petitioner before passing the impugned order. The petitioner is working in the grant-in-aid school for long and once having approved the transfer of the petitioner from a non-grant-in-aid school to grant-in-aid school, the said order could not have been cancelled without granting an opportunity of hearing.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order is quashed and set aside, as far as the petitioner is concerned. The respondent-Education Officer (Primary) is entitled to take appropriate action against the petitioner after granting an opportunity of hearing. The petitioner undertakes to remain present before the Education Officer (Primary) on 18/07/2016.

Order accordingly. No costs.

JUDGE

JUDGE