

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5766 OF 2015

- 1] Sudhir son of Moreshwar Parkhi,
Aged about 26 years,
Occupation – Teacher,
Resident of Teachers colony,
Wardha Road, Kondhali, Tahsil - Katol,
District- Nagpur.

- 2] Ku. Tapsya daughter of Vijayrao Watkar,
Aged about 26 years,
Occupation – Teacher,
Resident of New Subhedar Layout,
Nagpur.

.. Petitioners

.. Versus ..

- 1] The State of Maharashtra, through
its Secretary, School Education Department,
Mantralaya, Mumbai-32.
- 2] Education Officer (Primary),
Zilla Parishad, Nagpur.
- 3] Deputy Director of Education,
Nagpur Region, Nagpur.
- 4] Headmaster, St. Vincent Primary School,
Medical Square, Nagpur.
- 5] Headmaster, Tapsya Vidya Mandir,
Manewada, Ring Road, Nagpur-34.

.. Respondents

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Shri A.S. Dhore, counsel for the petitioners,
Shri N.S. Khubalkar, A.G.P. for respondent nos.1 and 3,
Shri Shaikh Majid, counsel for the respondent no.2,
Shri A.D. Dangore, counsel for the respondent nos.4 and 5.
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**CORAM : SMT. VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.**

DATED : FEBRUARY 25, 2016.

ORAL JUDGMENT : (Per : SMT. VASANTI A. NAIK, J.)

Rule. Rule made returnable forthwith. The petition is heard finally with the consent of the learned counsel for the parties.

By this petition, the petitioners challenge the order of cancellation of their approval, dated 23.7.2015, as the same has been passed without granting an opportunity to the petitioners.

Shri Majid, the learned counsel appearing on behalf of the respondent no.2 - Zilla Parishad, Nagpur states that the case of the petitioners is not like the other employees whose approval was cancelled without granting an opportunity to them, by the order dated 23.7.2015. It is stated that the petitioners would not be entitled to approval on merits. It is, however, fairly admitted that it appears from the impugned order that the petitioners were not heard before the impugned order was passed.

Since the impugned order is passed without granting an opportunity of hearing to the petitioners, the same is liable to be set aside. It was incumbent on the part of the Education Officer to have heard the petitioners before cancelling the approval to the appointment of the petitioners.

Hence, the impugned order, so far as it relates to the petitioners, is quashed and set aside. The respondent no.2 -Education Officer is free to take appropriate action in the matter of cancellation of approval to the

appointments of the petitioners after hearing the petitioners and the management. The petitioners and the management undertake to appear before the respondent no.2 – Education Officer on **14.3.2016** so that issuance of notice to the petitioners and the management could be dispensed with.

Rule is made absolute in the aforesaid terms with no order as to costs.

JUDGE

JUDGE