

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

WRIT PETITION NO. 1976 OF 2016

Vilas Wasudeorao Bobde

-vs-

The Chief Executive Officer, Z.P.Chandrapur and another

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

Court's or Judge's Orders.

Mr. P. N. Shende, counsel for the petitioner.
Mr. M.V.Mohokar, counsel for the respondents.

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

DATE : 03.08.2016.

By this writ petition, the petitioner has challenged the order of the Education Officer (Primary), Zilla Parishad, Chandrapur rejecting the representation of the petitioner.

It is stated on behalf of the petitioner that the impugned order is wrongly passed by the Education Officer (Primary) when this Court had by the order, dated 06.11.2015 in Writ Petition No.2956 of 2014, directed the Chief Executive Officer to decide the representation of the petitioner. It is stated that the petitioner was heard by the Chief Executive Officer, but the impugned order is passed by the Education Officer (Primary).

On hearing the learned counsel for the parties and on a perusal of the affidavit-in-reply, filed on behalf of the respondents, we find that the impugned order cannot be sustained. If the petitioner was heard by the Chief Executive Officer, the Chief Executive Officer could have passed the order either allowing or rejecting the representation of the petitioner. It is well settled that the Authority that hears the matter would be required to take a decision in the same. This Court had directed the Chief Executive Officer to take a decision on the representation of the petition and the decision appears to have been taken by the Education Officer (Primary). Merely because there is a

note-sheet prepared by the Chief Executive Officer, that the petitioner's representation is rejected, it cannot be said that the Chief Executive Officer has passed the impugned order.

Hence, for the reasons aforesaid, the writ petition is allowed. The impugned order is quashed and set aside. We direct the Chief Executive Officer to pass appropriate order on the representation of the petitioner, after hearing the petitioner. The petitioner undertakes to appear before the Chief Executive Officer on 11.08.2016. The Chief Executive officer should decide the representation within two months from the date of appearance of the petitioner before the Chief Executive Officer. Order accordingly. No costs.

JUDGE

JUDGE

KHUNTE

C E R T I F I C A T E

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

Uploaded on : 05/08/2016