

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1770 OF 2016

(Chandrakant Kishanrao Rudrawar and others Vs. The State
of Maharashtra and others)

AND

WRIT PETITION NO.2128 OF 2017

(Sandip Narayanrao Ambore Vs. The State of Maharashtra
and others)

Mr. H.K.Munde, Advocate for the petitioners in Writ
Petition No.1770/2016

Mr. V.D.Salunke, Advocate for the petitioner in Writ
Petition No.2128/2017 and for respondent No.4 in Writ
Petition No.1770/2016

Mr. A.P. Basarkar, A.G.P. for the respondent No.1 in
W.P.No.1770/2016 and for respondent Nos.1 and 2 in
W.P.No.2128/2017

Mr. B.A. Shinde, Advocate for respondent No.2 in
W.P.No.1770/2016 and for respondent No.3 in
W.P.No.2128/2017

Mr. A.B. Tele, Advocate for respondent No.3 in
W.P.No.1770/2016 and for respondent No.5 in
W.P.No.2128/2017

Mr. M.P.Kale, Advocate for respondent No.4 in
W.P.No.2128/2017

**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : 18th APRIL, 2017

ORAL ORDER :

Heard.

2. Writ Petition No. 1770/2016 is filed by the
persons who claim themselves to be the President,
Secretary and Vice-President of Panchkalas Shikshan

Prasarak Mandal, Tadkalas. Their grievance is that an enquiry be initiated on the complaint lodged by the petitioners in disbursement of arrears of salary to respondent No. 4 inspite of the order of stay granted by respondent No. 2 – Education Officer to the continuation of services of respondent No. 4 as an Assistant Teacher.

3. Writ Petition No. 2128/2017 is filed by the employee challenging the order dated 2nd July, 2015, thereby staying the approval granted in his favour. In the said petition, the Institution is represented by a person who claims to be the President different than the one claiming to be President in Writ Petition No. 1770/2016.

4. We have heard the learned counsel for the respective parties.

5. It appears that there are rival groups in the Management professing their rights. In the present Writ Petitions, we will not be concerned with the said dispute. It is not disputed that the approval was granted to the appointment of respondent No. 4 – Sandeep Narayan Ambore as Shikshan Sevak and thereafter,

approval was granted to his appointment as an Assistant Teacher. It further appears that after the approval was granted to the appointment of respondent No.4 as an Assistant Teacher, the Education Officer stayed the said order granting approval to the appointment of respondent No. 4 as an Assistant Teacher.

6. The learned counsel for respondent No. 2 – Education Officer submits that as the complaints were being received from the petitioners in Writ Petition No. 1770/2016, the said order of stay is passed.

7. It is not disputed that before passing the said order of stay, no opportunity of hearing was given to the affected party. The same would be violative of the principles of natural justice. It is a cardinal and fundamental principle of jurisprudence that whenever an order adverse to the interest of any party/person is being passed, adherence to the principles of natural justice is mandatory.

8. Considering the above, we pass the following order:-

9. The order dated 2nd July, 2017, granting stay to the approval of respondent No. 4's appointment is quashed and set aside. The Education Officer shall consider the said aspect afresh after hearing all the parties concerned on its own merits expeditiously and preferably within four months. It is made clear that consequences of setting aside the order dated 2nd July, 2017 shall follow.

10. Both the Writ Petitions are disposed of in the above terms. No costs.

[SANGITRAO S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

npj/wp1770-2016