

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

WRIT PETITION NO. 4618 OF 2017
AND/WITH
WP/8109/2017 WITH WP/10398/2017

JYOSTNA BHAUSAHEB AAJBE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr.M.D. Narwadkar h/f
Mr.Chavan Deepak B.

Addl.GP for Respondents 1 to 3 : Mr.P.S. Patil.
Advocate for Respondents : Mr.Suryawanshi P.D.
for R.Nos.4 & 5, Mr.Tribhuwan Nitin T. for
R.Nos.6,7.

...
CORAM : S.V.GANGAPURWALA & V.L. ACHLIYA, JJ.
Dated: DECEMBER, 18, 2017

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PER COURT:

The petitioners are appointed as special teachers in the handicapped school run by the respondent – institution. The appointments of all the petitioners are approved by the District Social Welfare Officer. Now, the Chief Executive Officer has issued letter to the institution directing the institution to terminate the services of these petitioners on the ground that at the

time of appointments, no objection certificate was not obtained. The salary of the petitioners is also stopped.

2. We have heard learned Counsel for the respondents.

3. It is not disputed that the appointments of the petitioners made as special teachers in the respondent - institution have been approved by the District Social Welfare Officer, Zilla Parishad, Beed. It is also not disputed that the District Social Welfare Officer is authorized to consider the proposals for approval to the appointment of special teacher. The order of approval in favour of the petitioners is still intact and in force. When the order of approval granted in favour of the petitioners is still in force, the Chief Executive Officer could not have issued letter directing the management to terminate services of the petitioners even without a show cause notice to the petitioners and hearing them.

4. In the result, the impugned orders are quashed and set aside. In case, the respondents want to take any action

against the appointments of the petitioners, then the petitioners shall be heard before passing any orders. As the approval granted in favour of the petitioners is in force, the respondents are liable to pay salary to the petitioners. Writ Petition stands disposed of accordingly. No costs.

(V.L.ACHLIYA, J) (S.V.GANGAPURWALA, J)