

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4666 OF 2017

Junnar Taluka Shikshan Mandal
Through its President
Shriprakas Chandmal Bora and another .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri N. P. Patil Jamalpurkar, Advocate for Petitioners.
Ms. Rashmi P. Gaur, A.G.P. for Respondent Nos. 1 and 2.
Shri L. V. Sangeet, Advocate for the Caveator.

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

DATE : 06TH APRIL, 2017.

PER COURT :

. Mr. Patil, the learned counsel for petitioners submits that, approval was granted to the appointment of the petitioner No. 2 as a Head Master on 09.11.2015. Thereafter, abruptly on 01.03.2017 the said approval is cancelled without notice to the petitioner No. 2 and without hearing the petitioner No. 2.

2. The learned Assistant Government Pleader accepts notice for respondent Nos. 1 and 2.

3. Mr. Sangeet, the learned counsel states that, union has

filed caveat, but not made party. It is on the complaint of union that order is passed.

4. It is cardinal and fundamental principle of jurisprudence that any order adverse to the interest of any party is to be passed, the party concerned is required to be heard. In the present case, as is submitted, the impugned order is passed without hearing the petitioner No. 2.

5. Considering the above, the impugned order is quashed and set aside. The Education Officer (Secondary), Zilla Parishad, Ahmednagar shall after hearing the petitioners and the interested parties pass orders afresh with regard to the approval/cancellation of the approval to the appointment of the petitioner No. 2. The parties shall appear before the Education Officer (Secondary) on 24th April, 2017. After hearing the parties concerned, the Education Officer shall pass orders afresh on its own merits, in accordance with law, expeditiously and preferably within a period of three (03) months from today. The writ petition is disposed of. No costs.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]