

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 5670 OF 2014
WITH
CIVIL APPLICATION NO. 5704 OF 2017
IN
WRIT PETITION NO. 5670 OF 2014**

Shaikh Shaheda Begum d/o Shaikh
Qayyum and Ors.

...Petitioners

VS.

State of Maharashtra and Ors.

...Respondents

Mr. Dhage Vivek J. and Mr. D.A. Karnik for the Petitioners.

Mr. V.S. Badhak, AGP for the Respondent No. 1 State.

Mr. G.V. Mohekar for respondent no. 2.

Mr.Y.P. Pawar for respondent no. 3.

**CORAM : SHANTANU KEMKAR &
NITIN W. SAMBRE, JJ.
AUGUST 22, 2017**

P.C.:

Parties through their counsel.

2. Challenging the order dated 25.3.2014 Exh. P1 passed by the second respondent Education Officer whereby he has directed recovery from the petitioner's salary, the petitioners have filed this petition.

3. According to the petitioners, they were appointed as primary Assistant Teachers in the third respondent school and were made permanent. Their appointment was approved by the Education Officer on 22.02.2013. The Education Officer had also

issued communication sanctioning the grant to the third respondent school in the year 2009-10 for the post of Assistant Teachers. Subsequently, the grant was enhanced to 40%, 60%, 80% and lastly 100%. In the circumstances, according to the petitioners, without giving an opportunity of hearing to the petitioners and the concerned school, the impugned order of recovery could not have been passed.

4. Having considered the submissions made by the learned counsel for the parties and having gone through the impugned order, we find that the impugned order causes serious financial implications on the petitioner's salary. In the circumstances, in our considered view, before passing such adverse and drastic order causing financial implication against the petitioners, show cause notice and opportunity of hearing was required to have been given by the second respondent. Having not done so, the impugned order cannot be sustained. In the circumstances, we set aside the impugned order Exh. P1 with a liberty to respondent no. 2 to pass a fresh order in accordance with law after giving show cause notice to the petitioners as also to the concerned school and also after giving opportunity of hearing to all concerned.

5. With the aforesaid liberty and direction, petition is disposed of.

6. In view of the above, Civil Application also stands disposed of.

(NITIN W. SAMBRE, J.)

(SHANTANU S. KEMKAR, J.)