

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

BENCH AT AURANGABAD.

WRIT PETITION NO.10285 OF 2014

Sudhakar S/o Madhukar Shelke ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...
WITH
CIVIL APPLICATION NO.9420 OF 2017
IN
WRIT PETITION NO.10285 OF 2014

...
Mr.D.J.Choudhari, advocate for the petitioner.
Mr.C.S.Kulkarni, A.G.P. for the State.
Mr.R.D.Khadap, advocate for Respondent No.4
Mr.N.L.Jadhav, advocate for Respondent No.5.
Mr.M.S.Bhosale, advocate for Respondent No.6.

...
**CORAM : S.V.GANGAPURWALA AND
S.M.GAVHANE, JJ.**

Date : 20.11.2017.

PER COURT :

1. The petitioner assails the order dated 12.12.2012, passed by the Education Officer (Secondary), Zilla Parishad, Beed, thereby

cancelling the approval granted to the petitioner.

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

3. The approval was granted to the appointment of petitioner as a Junior Clerk under order dated 16.1.2010 and subsequently it was confirmed on 26.6.2012. The complaint was filed with regard to the approval granted to the petitioner. The Education Officer reconsidered the decision granting approval to the appointment of the petitioner and under order dated 31.7.2012/1.8.2012 confirmed the approval granted to the petitioner. The said order is a speaking order.

4. Subsequently, one more complaint appears to have been filed and the Education Officer under order dated 12.12.2012, has rejected the approval granted to the petitioner.

5. The impugned order is bereft of any

reasons. Absolutely, no reasons are given for cancelling the approval granted. It appears that even notice was not issued to the petitioner while cancelling the approval. At least, the order does not depict the same.

6. In case the authority finds that the order of approval was obtained by fraud or under forged documents then the authority ought to have been more cautious while cancelling the approval, more particularly, when the order of approval was subject matter of one complaint and after hearing the parties, the Education Officer had confirmed the approval granted in favour of the petitioner.

7. One of the ground agitated on behalf of the petitioner is that the Education Officer does not have power of review. The said aspect was also required to be considered by the Education Officer.

8. Considering the aforesaid factual matrix as the impugned order is without issuing notice to the petitioner, we set

aside the impugned order and relegate the parties before the Education Officer (Secondary), Zilla Parishad, Beed. The parties shall appear before the Education Officer (Secondary), Zilla Parishad, Beed on 5.12.2017. The Education Officer shall after hearing all the parties concerned shall decide the aspect about approval after considering all the contentions raised by the parties on its own merits expeditiously, preferably within three (3) months from the date of appearance of the parties.

9. The Writ Petition is disposed of. No costs.

10. The intervention application is filed by one Balasaheb Asraji Patil, on the ground that he is working on the place of original Writ Petitioner.

11. The petitioner can raise his grievance before the competent authority in that regard. We have given the date of appearance to all the parties concerned before the Education Officer.

The applicant may also take recourse to the remedies available to him under law.

12. The Civil Application also stands disposed of.

(S.M.GAVHANE, J.)

(S.V.GANGAPURWALA, J.)

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