

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14064 OF 2016
WITH
CIVIL APPLICATION NO.153 OF 2017
WITH
CIVIL APPLICATION NO.744 OF 2017

Shrimant Jagannath Chavan ...Petitioner
vs.
State of Maharashtra and Others ...Respondents

Mr. M.A. Patil, for the Applicants.
Mr. P.C. Chavan, for the Petitioner.
Ms. Manisha Jagtap i/b. J.Shekhar & Co., for Respondent No. 3.
Mr. V.N. Sagare, AGP for the Respondent-State.

CORAM : SHANTANU S. KEMKAR &
B.P. COLABAWALLA, JJ.

DATE : **MARCH 30, 2017**

P.C.:

. Parties through their counsel.

2. By filing this Petition under Article 226 of the Constitution of India, the Petitioner has challenged the order dated 20th August, 2016 (Exhibit F) passed by the Respondent No. 2 - Education Officer (Secondary), Zilla Parishad, Solapur whereby the approval for the transfer of the Petitioner from unaided to aided school on the post of Assistant Teacher has been cancelled.

3. According to the Petitioner before passing the impugned order (Exhibit F), no show cause notice or opportunity of hearing was given to the Petitioner or even to Respondent Nos. 3 and 4 by the Education Officer. According to him, the impugned order has been passed on the complaint made by one Nathaji Govardhan Patil.

4. Having considered the submissions made by the learned counsel for the parties, we find that the impugned order has been passed in violation of the principles of natural justice as the approval has been cancelled without giving opportunity of hearing to the Petitioner as also to the Management.

5. In the circumstances, we set aside the impugned order. However, we direct Respondent No. 2 – Education Officer to pass a fresh speaking order within six weeks from the date of appearance of the parties before him after giving due opportunity of hearing to the Petitioner and the Management as also to the complainant.

6. The parties to appear before Respondent No. 2 - Education Officer on 19th April, 2017 at 11.00 a.m.

7. With the aforesaid directions, the Writ Petition as also the Civil Applications are disposed of.

8. All the contentions are kept open.

(B.P. COLABAWALLA, J.)

(SHANTANU S. KEMKAR, J.)