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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4479 OF 2017

Shri Shridhar Bapuso Jadhav and anr. ... Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Mandar G. Bagkar for the petitioners.

Mr. V.N. Sagare, AGP for the respondent State.

**CORAM : SHANTANU KEMKAR &
B.P. COLABAWALLA, JJ.
DATED : APRIL 17, 2017.**

P.C.

Not on board. Taken on production board in view of the urgency.

2. Through this petition filed under Article 226 of the Constitution of India, petitioner has challenged the order dated 07/03/2017 (Exhibit "M") whereby respondent no. 2 has cancelled the approval of the petitioner no.1 as Head master.

3. According to the petitioners, without giving notice and opportunity of hearing, the impugned order has been passed. Learned counsel for the petitioners submits that the impugned order is violative of the principles of natural justice and as such

the same cannot be sustained.

4. On the other hand learned AGP supports the impugned order and submits that no interference is called for.

5. Having considered the submissions made by the parties, we are of the view that the impugned order is violative of the principles of natural justice as before passing the said order, neither notice has been issued to the petitioner nor opportunity of hearing has been accorded to him. In the circumstances, we set aside the impugned order, however, with liberty to the respondent no.2 to issue notice to the petitioners in regard to cancellation of the approval of the petitioner no.1. Thereafter, respondent no. 2 may pass a fresh order in accordance with law after giving opportunity of hearing to the petitioners.

7. Needless to say that as a result of setting aside of the impugned order, the consequences shall follow.

8. Petition is disposed of.

(B.P. COLABAWALLA, J.)

(SHANTANU KEMKAR, J.)