

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 6017 OF 2017
WITH
CIVIL APPLICATION No. 1550 OF 2017

Avinash Rajaram Kalokhe ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. Rahul S. Kadam, for the Petitioner.

Mr. C. P. Yadav, AGP for Respondent Nos. 1 and 2.

Mr. Ojas Deolankar, for Respondent No. 3.

Mr. S. P. Batavia, for the Applicant – Intervenor in CAW 1550/2017.

CORAM : B. R. GAVAI, &
RIYAZ I. CHAGLA, JJ.

DATE : JULY 26, 2017

PC.

1. Rule. Rule is made returnable forthwith. Learned AGP waives service of notice for Respondent Nos. 1 and 2. Learned counsel Mr. Deolankar waives service of notice for Respondent No. 3. By consent of parties, petition is taken up for final hearing.

2. Undisputedly, the Respondent Education Officer vide order dated 10th April, 2017 granted powers to sign salary bills and the

other office documents in favour of the present Petitioner as in charge head master. However, vide impugned order dated 8th of May, 2017 the said powers granted in favour of the Petitioner were cancelled and those powers were restored in favour of Respondent No. 4. Undisputedly, while prior to passing an impugned order, an opportunity of hearing was not given to the Petitioner. We therefore, quash and set aside the impugned order dated 8th May, 2017 and direct Respondent No. 3 Education Officer to decide afresh after giving an opportunity of hearing to the Petitioner as well as Respondent No. 5 - Management.

3. The parties shall remain present before the Education Officer on 1st of August, 2017. As such, the requirement of formal notice shall stand waived. However, we make it clear that we have not passed this order on the basis of rival claims either of the Petitioner or Respondent No. 5. The Respondent – Education Office would be at liberty to decide the matter on the basis of the record placed before him and on merits and in accordance with law. Rule is made absolute in the aforesaid terms and writ petition is accordingly disposed of.

4. In view of disposal of the petition, Civil Application No.

1550 of 2017 filed therein does not survive and is accordingly disposed of.

Sd/-
[RIYAZ I. CHAGLA, J.]

Vinayak Halemath

Sd/-
[B. R. GAVAI, J.]