

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7772 OF 2017

Sambhaji Pandurang Bhosale

..Petitioner

Vs.

Deputy Director of Education, Kolhapur
Division, Kolhapur, & Ors.

..Respondents

Mr.S.S. Patwardhan i/b. Mr.C.G. Patil for Petitioner.

Mr.V.N. Sagare, AGP for Respondent nos.1 and 2.

Mr.I.M. Khairdi for Respondent No.3.

Mr.M.G. Bagkar i/b. Mr.S.A. Mane for Respondent Nos.3 and 4.

**CORAM : B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.**

DATE : 31st JULY 2017

JUDGMENT:

1. Rule. Rule made returnable forthwith. Learned counsel for the respective respondents waive service. Heard by consent.

2. The petitioner challenges the order dated 1st July 2017 passed by the respondent no.1 and the order dated 6th July 2017 passed by the respondent no.2. It is not in dispute that initially the petitioner was granted the powers to sign as In-charge Head Master on the documents pertaining to salary etc. vide order dated 16th June 2017 passed by the Competent Authority i.e. Education Officer-respondent no.2.

3. By a subsequent order dated 6th July 2017, respondent no.2 has implemented the order passed by the respondent no.1.

4. A perusal of the Affidavit-in Reply filed on behalf of the respondent nos.1 and 2 would reveal that prior to passing of the order dated 1st July, 2017, the present petitioner was neither given show cause notice nor an opportunity of being heard.

5. It is a well settled principle of law that, an order inviting adverse consequences cannot be passed without giving an opportunity of being heard to the parties.

6. In that view of the matter, we find that the present writ petition deserves to be allowed on the same short ground.

ORDER

- i. Rule is made absolute in terms of prayer clause (a);
- ii. The parties shall remain present before the Respondent No.1 on 7th August 2017. As such, the formal requirement of notice to the respondents shall stand waived.
- iii. The respondent no.1, after giving an opportunity of being heard to all the parties, shall pass an order afresh within a period of one month only.
- iv. Writ Petition stands disposed of accordingly.

[RIYAZ I. CHAGLA J.]

[B.R. GAVAI, J.]