

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3964 OF 2016

(Pradnya Pragati Seva Mandal Neri, Tq. Chimur, District – Chandrapur thr. its Secretary Ajay Sambhaji Lanjewar vs. The State of Maharashtra thr. Secretary, Department of Tribal Welfare & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
MARCH 02, 2017.**

Heard Shri Anand Parchure, learned counsel for the petitioner and Shri N.R. Rode, learned AGP for the respondents.

2. The communication dated 12.09.2016 sent by the Additional Commissioner to the office of Government Pleader is taken on record and marked as Exh. 'X'. The communication mentions that the petitioner was not given an opportunity of hearing before passing of the impugned order dated 28.06.2016.

3. This Court had granted interim relief on 13.07.2016 to the petitioner, which continues to operate even today.

4. The appeal filed by the petitioner against adverse order was initially considered on 23.04.2013 and after hearing the petitioner, the order impugned by it in appeal

was stayed on 23.04.2013. The appeal remained pending thereafter. It appears that that appeal was dismissed on 28.06.2016 without hearing the petitioner.

5. In this situation, we quash and set aside the impugned order dated 28.06.2016. The proceedings in Appeal 2011 Case No. 122/0.11 dated 29.09.2012 are stored to the file of Respondent No. 1. The petitioner shall be given an opportunity of hearing and thereafter suitable orders shall be passed in next three months.

6. Interim orders already granted by this Court have permitted the petitioner to continue with its School. Now those orders are substituted by the interim order of the appellate authority. Needless to mention that said interim order shall continue till the Appeal is disposed of.

7. Writ Petition is disposed of accordingly. However, there shall be no order as to costs.

JUDGE

JUDGE

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