

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO.1237 OF 2018**

1. Vinod S/o. Pralhad Solanke .. **Petitioners**  
Age-38 years, Occu-Service,  
R/o.Chinchgavhan, Tq. Majalgaon,  
Dist.Beed
2. Bhavna Bhimrao Chaudhari,  
Age-35 years, Occu-Service,  
R/o.Kesapuri Camp, Majalgaon,  
Tq.Majalgaon, Dist. Beed
3. Sanjay S/o. Parshuram Rathod,  
Age-36 years, Occu-Service,  
R/o.Bhatwadgaon, Tq. Majalgaon,  
Dist. Beed
4. Manisha Pandurangrao Kolhe,  
Age-35 years, Occu-Service,  
R/o.Chhatrapatinagar, Majalgaon,  
Tq. Majalgaon, Dist. Beed
5. Avinash S/o. Sahebrao Rathod,  
Age-36 years, Occu-Service,  
R/o.Naiknagar, Majalgaon,  
Tq. Majalgaon, Dist. Beed
6. Suchita Shivajirao Shinde,  
Age-35 years, Occu-Service,  
R/o.Bhatwadgaon,  
Tq. Majalgaon, Dist. Beed
7. Sheetal Ankush Salunke,  
Age-33 years, Occu-Service,  
R/o.Lahamewadi,

Tq. Majalgaon, Dist. Beed

8. Uddhav S/o. Angiram Shilpe  
Age-43 years, Occu-Service,  
R/o.Kesapuri,  
Tq. Majalgaon, Dist. Beed
9. Balu S/o. Kalba Dware  
Age-36 years, Occu-Service,  
R/o.New Bhatwadgaon,  
Tq. Majalgaon, Dist. Beed
10. Namdeo S/o. Yadavrao Firangwad,  
Age-39 years, Occu-Service,  
R/o.Bank Colony, Majalgaon,  
Tq. Majalgaon, Dist. Beed
11. Manjita Mukund Satpute  
Age-37 years, Occu-Service,  
R/o.Matruchhaya Niwas, Balbhim Chouk,  
Dist. Beed
12. Mahesh Achyutrao Kulkarni  
Age-39 years, Occu-Service,  
R/o.Vivekanand Nagar, Majalgaon,  
Tq. Majalgaon, Dist. Beed
13. Kalim Sattar Shaikh  
Age-39 years, Occu-Service,  
R/o.Samta Colony, Majalgaon,  
Tq. Majalgaon, Dist. Beed
14. Amina Begam Mainoddin Saudagar  
Age-36 years, Occu-Service,  
R/o.Samta Colony, Majalgaon,  
Tq. Majalgaon, Dist. Beed
15. Vishnu S/o. Bhagwanrao Zombade

Age-37 years, Occu-Service,  
R/o.Shelapuri  
Tq. Majalgaon, Dist. Beed

**VERSUS**

1. The State of Maharashtra .. **Respondents**  
Through the Secretary,  
School Education & Sports Department,  
Maharashtra State, Mumbai-32
2. The State of Maharashtra,  
Through the Secretary,  
Rural Development Department,  
Maharashtra State, Mumbai-32
3. The Director of Education (Primary)  
Maharashtra State, Pune
4. The Chief Executive Officer,  
Beed Zilla Parishad, Beed
5. The Education Officer (Primary),  
Beed Zilla Parishad, Beed

Mr.Vilas P. Savant, Advocate for the petitioners  
Mr.P.N.Kutti, AGP for the respondent/State  
Mr.P.D.Suryawanshi, Advocate for respondent Nos. 4 and 5

**CORAM : S.S. SHINDE &  
S.M.GAVHANE, JJ.**

**DATED : 01.02.2018**

**ORAL JUDGMENT:**

. Rule. Rule made returnable forthwith. With the consent of the parties the petition is taken up for final hearing.

. The learned counsel appearing for the petitioners has tendered across the bar copy of the judgment in the case of Tatyaram Vs State of Maharashtra in Writ Petition No.217 of 2018 reported in 2018 SCC OnLine Bom 112 and the same is taken on record.

2. Issue notice to the respondents. The learned AGP waives service of notice for respondent No.1 to 3 and Mr.P.D.Suryawanshi, Advocate waives service of notice for respondent Nos.4 and 5. With the consent of learned counsel appearing for the parties the petition is taken up for final hearing forthwith.

3. In view of the fact that the issue raised in this petition is squarely answered in the authoritative pronouncement of this Court in the case of Tatyaram Vs State of Maharashtra in Writ Petition No.217 of 2018 reported in 2018 SCC OnLine Bom 112 with connected matters, we are inclined to allow the present petition for the same reasons which are assigned from para Nos. 5 to 7 of the said judgment, which are as under:-

“5. We have considered the rival submissions advanced by learned counsel appearing for the parties, and also perused the

pleadings and grounds taken in the petitions. Admittedly, before passing the impugned orders thereby reverting the petitioners from the post of Trained Graduate Teachers to the Assistant Teachers, the reasonable opportunity of hearing has not been afforded to the respective petitioners. The impugned orders are passed in breach of principles of natural justice, and therefore, on the said ground alone, said orders deserve to be quashed and set aside to the extent of petitioners in each petition.

6. The Bombay High Court Bench at Goa in the case of Mrs.Kunda Santosh Kerkar alias Kunda Narayan Kerkar Vs Hon'ble Speaker, Goa Legislative Assembly in similar facts situation observed that the impugned order in the said petition is passed without giving an opportunity of hearing to the petitioner therein, and accordingly, the said impugned order was quashed and set aside. In the fact of that case also the petitioner therein was promoted and thereafter, he was reverted to the original post of Junior Assistant with immediate effect. The said order was passed without hearing the petitioner

therein, which came to be quashed on the ground of violation of principles of natural justice.

7. In the light of discussion herein above, the impugned orders dated 14<sup>th</sup> December, 2017 in respective Writ Petitions, passed by the Chief Executive Officer, Zilla Parishad, Beed are quashed and set aside to the extent of the petitioners. The petitions are accordingly allowed. Rule made absolute in above terms."

4. In the light of discussion hereinabove the petition is allowed in terms of prayer clause-B, which reads thus:

B] Issue writ of certiorari, or any other writ, order or direction in the nature of writ of certiorari thereby quash and set aside the order dated 14.12.2017 issued by the respondent No.4 and for that purpose issue necessary order.

. Rule made absolute in above terms.

5. However, we make it clear that, we have quashed and set aside the impugned orders only on the ground of non-adherence to the principles of natural justice and

not on any other ground. We further make it clear that, though we have allowed these petitions, the same shall not be construed as an impediment to the concerned respondent/respondents from passing an appropriate order/orders on merits of each case.

**[S.M.GAVHANE,J.]**

**[S.S. SHINDE,J.]**