

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

WRIT PETITIOIN NO. 1668 OF 2018

1. Dilip S/o Prabhakar Shinde
Age : 45 years, Occ : Service,
R/o Parbhani (Ke), Tq. & Dist. Beed.
2. Shripad S/o Ramkrishna Atnurkar
Age : 45 years, Occ : Service,
R/o June Mondha, Beed,
Tq. & Dist. Beed.
3. Ramesh S/o Laxman Tirgul
Age : 43 years, Occ : Service,
R/o Jalna Road,
Near Hondo Show Room,
Beed, Tq. & Dist. Beed.
4. Ram S/o Dadarao Pawar
Age : 43 years, Occ : Service,
R/o Pimpaladevi, Post. Pimpalner,
Tq. & Dist. Beed.
5. Shalan Chandrakant Sutar
Age : 42 years, Occ : Service,
R/o As above.
6. Dattatraya S/o Dadaram Nande
Age : 44 years, Occ : Service,
R/o Limba Rui, Post. Pimpalner,
Tq. & Dist. Beed.
7. Shrikant S/o Ankush Gaikwad
Age : 44 years, Occ : Service,
R/o Pimpladevi, Post. Pimpalner,
Tq. & Dist. Beed.
8. Santosh S/o Bansi Kadam
Age : 45 years, Occ : Service,
R/o Shahu Nagar, Beed,

Tq. & Dist. Beed.

9. Navnath S/o Vitthalrao Taur
Age : 43 years, Occ : Service,
R/o Pimpladevi, Post. Pimpalner,
Tq. & Dist. Beed.
10. Suchita Baliram Parbhanikar
Age : 48 years, Occ : Service,
R/o Bhakti Construction, Beed
Tq. & Dist. Beed.
11. Rajendra S/o Suryabhan Chaudhari
Age : 45 years, Occ : Service,
R/o Madalmohi, Tq. Georai,
Dist. Beed.
12. Sunil S/o Uttamrao Patange
Age : 45 years, Occ : Service,
R/o Nathapur,
Tq. & Dist. Beed
13. Kalpana Dnyanoba Jagdale
Age : 37 years, Occ : Service,
R/o Aditya Nagar, Beed,
Tq. & Dist. Beed.
14. Ashok S/o Shivaji Shingade
Age : 37 years, Occ : Service,
R/o Pus, Tq. Parali,
Dist. Beed.
15. Chimaji S/o Vitthal Sarwade
Age : 36 years, Occ : Service,
R/o Dongar Pimpala,
Tq. Ambajogai, Dist. Beed.
16. Ramesh S/o Chagan Mhetre
Age : 35 years, Occ : Service,
R/o Ghatnandur, Tq. Ambajogai,
Dist. Beed.

17. Suresh S/o Baliram Karande
Age : 45 years, Occ : Service,
R/o Ambika Nagar, Palwan Road,
Beed, Tq. & Dist. Beed.
18. Dilipkumar S/o Dinkarrao Sanap
Age : 38 years, Occ : Service,
R/o Bhagwan Nagar, Nagar Road,
Beed, Tq. & Dist. Beed.
19. Meena Gorakshnath Vighne
Age : 33 years, Occ : Service,
R/o As above.
20. Manju Dattatraya Sonwane
Age : 44 years, Occ : Service,
R/o Govind Nagar, Beed,
Tq. & Dist. Beed.
21. Ashwini Narayanrao Markad
Age : 47 years, Occ : Service as
Assistant Teacher, Zilla Parishad,
Primary School, Warwati,
Centre Dhondipura,
Tq. & Dist. Beed.

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through its Secretary,
School Education Department,
Mantralaya, Mumbai.
2. The Director of Education (Primary),
Maharashtra State, Pune.
3. The Chief Executive Officer,
Zilla Parishad, Beed
4. The Education Officer (Primary),
Zilla Parishad, Beed.

..RESPONDENTS

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Shri S.S. Thombre, Advocate for the petitioners.
Shri S.B. Yawalkar, AGP for the Respondent/State.
Shri. V.M. Chate, Advocate for Respondent Nos.3
and 4.

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

Date : 09.02.2018

JUDGMENT : (Per S.S.Shinde, J.):

Rule. Rule made returnable
forthwith. With the consent of learned
counsel appearing for the parties, heard
finally.

2. Learned counsel appearing for the
petitioners submits that, the Chief Executive
Officer, Zilla Parishad, Beed has issued the
impugned order, thereby reverting the
petitioners from the post of Trained Graduate
Teachers to Assistant Teachers, however
without giving an opportunity of hearing and
in contravention to the principles of natural
justice. The Chief Executive Officer has

passed the impugned order, which is contrary to the government policy as well as the law laid down by the Hon'ble Apex Court. The impugned order passed by the Chief Executive Officer, Zilla Parishad, Beed is without there being any valid reason and without application of mind, and therefore, the same is required to be quashed and set aside in the interest of justice.

4. Learned AGP appearing for the Respondent-State and its officials and the learned counsel appearing for the Zilla Parishad, Beed submit that the order impugned in this Petition is self speaking, in as much as, the reasons are assigned in the impugned order, and therefore, the Petition deserves to be dismissed in limine.

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 order 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 order is passed in breach of principles of natural justice, and therefore, on the said ground alone, said order deserves to be quashed and set aside to the extent of petitioners.

6. In the similar fact situation, this Court in Writ Petition No. 217 of 2018 (Tatyaram S/o Dhanlal Kanade and others V/s The State of Maharashtra and others) and other connected Petitions, on 24th January, 2018 in paras 5 to 7 observed thus :

"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 V/s Hon'ble Speaker, Goa Legislative Assembly and ors.**¹ in similar facts situation observed that the impugned order in the said petition is passed without giving an

1 2016(5) Mah.L.J. 593

opportunity of hearing to the petitioner therein, and accordingly, the said impugned order was quashed and set aside. In the facts 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 14th 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.

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."

7. Taking the same view and for the same reasons as stated in order dated 24th January, 2018 passed in Writ Petition No.217 of 2018 and other connected Writ Petitions, referred above, we pass the following order :-

ORDER:-

(i) The impugned orders dated 14th December, 2017 issued by the Respondent – Chief Executive Officer, Zilla Parishad, Beed is quashed and set aside. The petition is accordingly allowed and the same stands disposed of. Rule made absolute in above

terms.

However, we make it clear that, we have quashed and set aside the impugned order 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 this Petition, the same shall not be construed as an impediment to the concerned Respondent from passing an appropriate order on merits.

(ii) Other similarly situated teachers, whose names are mentioned in the impugned orders and who have not approached this Court, and the facts in their cases and the action taken against them, is identical, in that case, the decision taken in Writ Petition No.217 of 2018 and other connected Writ Petitions shall be made applicable and they need not to file separate Petition. The Chief Executive Officers shall take appropriate corrective

steps/ measures even in the case of similarly situated employees, who have not approached to this Court, but their names have been shown in the impugned order.

[S . M . GAVHANE]
JUDGE

[S . S . SHINDE]
JUDGE

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