

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

WRIT PETITION NO. 4358 OF 2017

Avinash Dhondiram Rokade and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri. D.B. Chavan, Advocate for Petitioners.

Smt. Vaishali N. Patil-Jadhav, A.G.P. for Respondents

Shri. M.D. Narwakdar, Advocate for Respondents.

Shri. P.D. Suryawanshi, Advocate for Respondent Nos. 4 and 5.

Shri. A.S. Lomte, Advocate for Respondent No. 6 in Writ Petition No. 4340 of 2017.

WITH

WRIT PETITION NO. 4343 OF 2017

WRIT PETITION NO. 4701 OF 2017

WRIT PETITION NO. 4702 OF 2017

WRIT PETITION NO. 4340 OF 2017

WRIT PETITION NO. 4700 OF 2017

WRIT PETITION NO. 4703 OF 2017

WRIT PETITION NO. 4667 OF 2017

WRIT PETITION NO. 4678 OF 2017

**CORAM : S.V. GANGAPURWALA AND
A.M. DHAVALA, JJ.
DATED : 12th February, 2018**

PER COURT:

. The petitioners are appointed as special teachers in the handicapped school run by the respondent-institution. The appointments of all the petitioners are approved by the District Social Welfare Officer. Now, the Chief Executive Officer has issued letter to the institution directing the institution to terminate the services of these petitioners on the ground that at the time of appointments, no objection certificate was not obtained. The salary of the petitioners is also stopped.

2. We have heard learned counsel for the respondents.

3. It is not disputed that the appointments of the petitioners made as special teachers in the respondent-institution have been approved by the District Social Welfare Officer, Zilla Parishad, Beed. It is also not disputed that the District Social Welfare Officer is authorized to consider the proposals for approval to the appointment of special teacher. The order of approval in favour of the petitioners is still intact and in force.

When the order of approval granted in favour of the petitioners is still in force, the Chief Executive Officer could not have issued letter directing the management to terminate services of the petitioners even without a show cause notice to the petitioners and hearing them.

4. In the result, the impugned orders are quashed and set aside. In case, the respondents want to take any action against the appointments of the petitioners, then the petitioners shall be heard before passing any orders. As the approval granted in favour of the petitioners is in force, the respondents are liable to pay salary to the petitioners. Writ petition stands disposed of accordingly. No costs.

[A.M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]