

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4157 OF 2014

Kishan Maroti Rode,
Occu. : Service,
R/o. Ranisavargaon, Tq. Gangakhed,
District Parbhani

.. Petitioners

Versus

1. The State of Maharashtra
Through – Secretary,
School Education Department,
Mantralaya, Mumbai – 32.

2. The Director of Education,
Central Building, Pune

3. The Deputy Director of Education,
Aurangabad Division, Aurangabad
Near Deogiri College Road,
Aurangabad

4. The Education Officer [Secondary],
Zilla Parishad, Parbhani

5. The Secretary,
Shramjivi Samaj Kalyan Mandal,
Hadolti, Tq. Gangakhed,
Dist. Parbhani

.. Respondents

...
Mr. G.S. Rane, Advocate h/f. Mr. A.P. Yenegure, Advocate for
petitioner

Mr. K.B. Jadhavar, AGP for respondent-State
Respondent no. 5 served - absent

...

CORAM : SUNIL P. DESHMUKH &
S.M. GAVHANE, JJ.

DATE : 19-12-2018

ORAL JUDGMENT (PER - SUNIL P. DESHMUKH, J.) :

1. Rule. Rule made returnable forthwith. Heard learned counsel for the parties finally, by consent.

2. In the background as referred to in the petition, it appears to be case of petitioner that employees senior to him, either had resigned or were not willing to accept the responsibility of Headmaster's post and accordingly, since 2004, petitioner has been discharging duties of Headmaster after approval to his such appointment. The petitioner had been authorized to sign salary slips of employees as Headmaster from time to time. The petitioner's appointment as Headmaster came to be approved under communication dated 19-01-2011 with effect from 13-12-2004.

3. According to petitioner, suddenly a letter had been received at his end in January, 2014, asking him to submit the seniority list to office of respondent no.4, referring to that there had been complaint by employees dated 07-01-2004. Thereupon, the petitioner had demanded copy of the complaint on quite a few occasions. However, as yet, the same has not been supplied to him. The Education officer (Secondary), Zilla Parishad, Parbhani

had issued communication to petitioner to remain present in his office on 21-03-2014 and accordingly, petitioner has approached the Education officer along with seniority list. Besides taking on record the seniority list submitted by petitioner, no further proceedings on that date, had taken place and surprisingly to the shock of petitioner, impugned letter dated 22-04-2014 had been issued and the same had been received at his end on 28-04-2014 purporting to cancel approval to his appointment as Headmaster.

4. It is being submitted on behalf of petitioner by Mr. G.S. Rane, learned counsel h/f. Mr. A.P. Yenegure that, despite several dates have been over in the matter, no reply on record from the Education officer has been filed and the averments in the petition are un-controverted. No appearance has been caused by respondent no.5.

5. Having regard to that the petition has been pending for more than 4 years and averments in the petition have not been controverted, it appears to be expedient that since it is being claimed no hearing had taken place before the impugned communication had been issued, petitioner be granted proper opportunity of hearing and to explain the case.

6. In view of aforesaid, impugned order/letter dated 22-04-2014 issued by respondent no. 4 - Education Officer (Secondary), Zilla Parishad, Parbhani is set aside, remitting the matter to respondent no. 4, to provide opportunity to petitioner and to hear him. Respondent no. 4 may supply requisite material to petitioner, as would be appropriate in the proceedings.

7. Rule is made absolute accordingly.

8. Writ petition stands disposed of.

[S.M. GAVHANE]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

arp/