

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

WRIT PETITION NO. 7524 OF 2018

Indian Institute of Drugless Therapy,
New I.T.I. Road, Bhokar,
Tq. Bhokar, Dist. Nanded.
Through its President.

... **Petitioner**

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Madam Kama Marg,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai – 32.

2. The Deputy Commissioner (Education)
Commissionerate of Tribal Development,
M.S., Nashik.

3. The Project Officer,
Integrated Tribal Development Project,
Kinwat, Dist. Nanded.

... **Respondents**

Mr. Shinde Chandrakant K., Advocate for Petitioner.
Mr. S.B. Yawalkar, AGP for Respondent Nos.1 to 3.

**CORAM : R.M. BORDE &
MANGESH S. PATIL, JJ.**
DATE : 31.08.2018

ORAL JUDGMENT:

Heard.

2. Rule.

3. With the consent of the parties the petition is taken up for final disposal at admission stage.

4. In pursuance to the direction issued by this Court the respondent no.2-Deputy Commissioner has caused appearance in matter and has tendered the record in respect of decision rendered by the State Government in an appeal presented by the petitioner. The concerned officer has also tendered an apology on account of his failure to present the record to the Court on earlier occasion. The apology tendered by the concerned officer is accepted.

5. The only grievance raised by the petitioner in the instant petition is as regards the decision rendered by the State Government rejecting the appeal presented by the petitioner by an order dated 17.04.2018 without extending an opportunity of hearing to the petitioner.

6. We have perused the record produced by the State Government which reveals that before rendering decision in the matter, the petitioner was not extended an opportunity of hearing. Since the appeal has been decided without observing the principles of natural justice, the decision rendered therein deserves to be quashed and set aside and the same is accordingly quashed and set aside. The appeal stands restored to its original number. The appellate authority shall extend an opportunity of hearing to the petitioner and shall decide the matter afresh in accordance with provisions of law as

expeditiously as possible and preferably within a period of four months from today. In view of above, writ petition is disposed of.

7. Rule made absolute to the extent as specified above. There shall be no order as to the costs.

[MANGESH S. PATIL, J.]

[R.M. BORDE, J.]