

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11828 OF 2017**

Mahadev Narayan Khandekar. ... Petitioner.

V/s.

Sharadchandraji Pawar Shikshan Prasarak
Mandal Palashi & ors. ... Respondents.

WITH
WRIT PETITION NO. 11829 OF 2017

Madhukar Dagadu Shinde. ... Petitioner.

V/s.

Sharadchandraji Pawar Shikshan Prasarak
Mandal Palashi & ors. ... Respondents.

WITH
WRIT PETITION NO. 11831 OF 2017

Hanumant Bhimrao Zambra. ... Petitioner.

V/s.

Sharadchandraji Pawar Shikshan Prasarak
Mandal Palashi & ors. ... Respondents.

WITH
WRIT PETITION NO. 11832 OF 2017

Ramesh Govind Chavan. ... Petitioner.

V/s.

Sharadchandraji Pawar Shikshan Prasarak
Mandal Palashi & ors. ... Respondents.

WITH
WRIT PETITION NO. 11834 OF 2017

Yashvant Raghunath Chavhan. ... Petitioner.

V/s.

Sharadchandraji Pawar Shikshan Prasarak
Mandal Palashi & ors.

... Respondents.

WITH
WRIT PETITION NO. 11835 OF 2017

Mahesh Magan Velapure.

... Petitioner.

V/s.

Sharadchandraji Pawar Shikshan Prasarak
Mandal Palashi & ors.

... Respondents.

WITH
WRIT PETITION NO. 13055 OF 2017

Uttam Maruti Bendgude.

... Petitioner.

V/s.

Sharadchandraji Pawar Shikshan Prasarak
Mandal Palashi & ors.

... Respondents.

Mr. N.V. Bandiwadekar I/b. Mr. Anant Vadgaonkar, advocate for
petitioners in all petitions.

Mr. S.B. Kalel, AGP for State.

Mr. P.G. Chavan I/b. Mr. R.S. Jadhav, advocate for respondent No. 1.

Mr. Shrishail Sakhare, advocate for respondent Nos. 5 and 6 in WP
11828/17, 11831/17, 11832/17, 11835/17 and for respondent Nos. 5 and
7 in WP 11829/17, 11834/17, 11834/17, 13055/17.

**CORAM : RANJIT MORE &
SMT. SADHANA S. JADHAV, JJ.**

DATE : MARCH 5, 2018.

P. C. :

1 Heard the learned Counsel appearing for the respective parties and learned AGP.

2 By these Petitions, the petitioners are challenging the order dated 13/10/2017 issued by Respondent No. 3-Education Officer (Secondary) Zilla Parishad, Solapur thereby declaring the Petitioners as surplus teacher and further to be included in absorption process.

3 It is common ground that the teachers included in the list of teachers at page 90 are declared surplus by respondent No. 1 Management and this list was sent to respondent No. 3 Education Officer. By the impugned order, respondent No. 3 Education Officer refused to act on the list of surplus teachers prepared by the Management and declared the petitioners as surplus teachers. The petitioners are bound to be affected by such order and therefore, they were required to be heard before passing of the order by respondent No. 3-Education Officer. Admittedly, the Petitioners were not heard by respondent No. 3-Education Officer. No opportunity of hearing was given to the Petitioners. It is clear that the principles of natural justice are not followed. Therefore, the impugned order cannot sustain.

4 The impugned order qua the Petitioners and respondent Nos. 5 and 6 in respective petitions and respondent Nos. 5, 6 and 7 in other respective petitions is quashed and set aside. The matter is remanded to respondent No. 3 Education Officer to take fresh decision on the list of surplus teachers of respondent No. 1 Management.

5 Needless to mention that respondent No. 3 shall decide the issue of surplus teacher as expeditiously as possible, and preferably within a period of 3 months from the receipt of this order. Needless to say that the Education Officer shall pass appropriate speaking order only after giving an opportunity of hearing to all the concerned.

6 All the above Writ Petitions are disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

[RANJIT MORE, J.]