

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 2178 OF 2019

Sayyed Azhar Ali Yunus & another

Petitioners

Versus

Deputy Director of Education & others

Respondents

Mr.Sushant V. Dixit, advocate for petitioners.

Mrs.M.A.Deshpande, AGP for Respondents No.1, 2 & 5.

Mr.A.N.Nagargoje, advocate for Respondents No.3 & 4.

Mrs.A.N.Ansari, advocate for applicant in C.A.No.4872/2019.

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATE : 26th June, 2019**

PER COURT:

1 Approval granted to the appointment of petitioners by the Education Officer is cancelled by the Deputy Director of Education by the impugned order. Same is assailed in this petition.

2 Mr.Dixit, learned Counsel for the petitioners, submits that at the relevant time, Change Reports were pending consideration before the Assistant Charity Commissioner and when the managing body has taken charge, petitioners were appointed after following due process of law. The petitioners have also filed their Say before the Assistant Charity Commissioner, however, the same was not considered. Even the Management was not heard before the Assistant Charity Commissioner.

3 Mrs.A.N.Ansari, learned Counsel appearing for the applicant in C.A.No.4872/2019-complainant, submits that at the time petitioners were appointed, the school committee was not in existence and the petitioners were not appointed by following due process of law. She submits that Say filed by the petitioners was considered by the Deputy Director of Education and thereafter rightly the impugned order has been passed by the Deputy Director of Education.

4 It is trite, whenever an order, adverse to the interest of any party, is passed, the said party is required to be heard and stand taken by such party is required to be dealt with. Same is the minimum requirement of principles of natural justice. On perusal of the impugned order, it is evident that the case put forth by the petitioners has not been dealt with by the Deputy Director of Education nor it appears that the case put forth by the Institution has been considered.

5 In the light of above, the impugned order is quashed and set aside. The Deputy Director of Education shall consider the matter afresh after hearing all the interested parties and consider the stand taken by them.

6 With these observations, writ petition stands disposed of. No costs. In view of disposal of writ petition, pending Civil Application does not survive and stand disposed of.

MANGESH S. PATIL
JUDGE

S.V.GANGAPURWALA
JUDGE

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