

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3926 OF 2018

VISHWANATH CHANBSAPPA KEVALRAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Dhage Vivek J.

AGP for Respondents No. 1 & 2 :

Mr. S. B. Pulkundwar

Advocate for Respondent No. 3 :

Mr. Ravi Khandebharad h/f. Mr. V. D. Salunke

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 11th NOVEMBER, 2019

PER COURT:

1. Mr. Dhage, learned counsel for the petitioners submits that under the directions of this Court the Education Officer decided the entitlement of the petitioners to receive the salary from the management. The respondent management is not depositing the said amount.

2. We have heard the learned counsel for respondent no. 3.

3. According to respondent no. 3, the order was passed by respondent no. 2 without notice to respondent no. 3 and without hearing respondent no. 3.

4. It appears that this Court under order dated 23.02.2017 in Writ Petition No. 7570 of 2014 had directed the Education Officer to decide whether the management is liable to pay salary.

5. From the order, it does not transpire that the notice was issued to respondent no. 3. Even the petitioners and respondent no. 3 are not in a position to substantiate that respondent no. 3 was heard before the order was passed.

6. In fact, when the liability was fastened upon respondent no. 3, respondent no. 2 was dutybound to consider the stand of respondent no. 3. On the ground that the principles of natural justice are flouted, we set aside the order passed by the Education Officer dated 05.12.2017 and remit the matter to the Education Officer to decide it afresh, after hearing the petitioners and

respondent no. 3. The petitioners and respondent no. 3 shall appear before respondent no. 2 on 10.12.2019 and put forth their say. The Education Officer shall after considering the say and the stand of the petitioners and respondent no. 3, decide the proceedings as directed by this Court under order dated 23.02.2017 in Writ Petition No. 7570 of 2014 expeditiously and preferably within a period of four (04) months from the date of appearance of the parties.

7. Writ Petition stands disposed of accordingly.
No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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