

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4642 OF 2019

KALIDAS SHIVAJIRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Gadhe Ganesh A
AGP for Respondents No. 1 to 3 : Mr. P. S. Patil
Advocate for Respondents No. 4 & 5 :
Mr. B. B. Shinde

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CORAM: S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE: 03rd SEPTEMBER, 2019

PER COURT:

1. The petitioner has challenged the order revoking approval granted to him to work as an In-charge Headmaster.

2. This Court under order dated 30.04.2019 had stayed the impugned order. According to the petitioner, he is the In-charge Headmaster discharging his duties as an In-charge Headmaster since the year 2006. On 16.02.2018 approval was granted to the petitioner as an In-charge

Headmaster and the same is abruptly cancelled on 18.03.2019. It is without following principles of natural justice.

3. According to learned counsel for respondents no. 4 and 5, the petitioner was suspended from service. On 29.04.2019, the approval is granted in favour of respondent no. 5 as an In-charge Headmaster. The petitioner is not reporting for the duties. The complaint was made to the competent authority. On the complaint of respondents no. 4 and 5, respondent no. 2 has directed the respondent no. 3 to make an enquiry.

4. It is not disputed that the petitioner was granted approval as an In-charge Headmaster from time to time and was lastly granted approval on 16.02.2018 until further orders. It is also not disputed that the said approval order is cancelled without hearing the petitioner and without notice to the petitioner. Atleast, the order does not depict that the hearing has been conducted while

cancelling the approval granted to the petitioner an an In-charge Headmaster.

5. We had asked the learned counsel that under whose signature salary bills of all the employees are sent. It is not disputed that, pursuant to the interim order passed by this Court, the salary bills are signed by the petitioner of all the employees.

6. Considering that the impugned order does not give any reasons nor takes into consideration stands of either party, we set aside the impugned order dated 18.03.2019 cancelling the approval granted to the petitioner as an In-charge Headmaster and direct the Education Officer to take decision afresh after hearing the petitioner and respondents no. 4 and 5. The parties shall appear before the Education Officer on 11.09.2019 and put forth their stand. The Education Officer shall decide the said proceeding expeditiously and preferably within a period of six (06) weeks from

the date of appearance of the parties. Till the fresh decision is taken by the Education Officer, the interim order passed on 30.04.2019 shall continue. The further steps can be taken pursuant to the orders that will be passed by the Education Officer afresh.

7. Writ Petition stands accordingly disposed of.

No costs.

[ANIL S. KILOR, J.] [S. V. GANGAPURWALA, J.]

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