

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9248 OF 2019

KIRAN VINOD PADSE,
THROUGH VINOD KASHINATH PADSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Vishnu B. Madan
AGP for Respondent No. 1 : Mr. V. M. Kagne
Advocate for Respondents No. 2 & 3 :
Ms. Surekha Mahajan

...

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

DATE: 23rd SEPTEMBER, 2019

PER COURT:

1. The petitioner is assailing the punishment imposed upon the petitioner thereby cancelling the performance of the petitioner for March-April-2019 examination and also debarring for one more year.

2. The learned counsel for the petitioner submits that the petitioner was never served with the notice.

3. According to Miss Mahajan, learned counsel for respondents / board twice the notices were issued to the Headmaster of the school. The petitioner did not avail the opportunity.

4. In the file produced on record by the learned counsel for the board there does not appear to be any acknowledgement of the student having received the notice. There is nothing on record to show that the Headmaster has served the notice on the petitioner.

5. Considering the fact that matter involves educational career of the petitioner, we are inclined to grant one more opportunity to the petitioner to put forth his case before the board.

6. The petitioner shall appear before the board on 03.10.2019 and put forth his stand. The board shall consider the stand put forth by the petitioner and take decision afresh. While taking the decision afresh, the impugned order would not be an impediment.

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

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

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