

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
27 WRIT PETITION NO.13717 OF 2018**

PRASHANT BHARAT KSHIRSAGAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. V. S. Panpatte, Advocate for the Petitioner.

Mr. S. B. Yawalkar, AGP for Respondents-State.

Mr. Harish S. Bali, Advocate for Respondent Nos.4 to 6.

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

DATED : 10th OCTOBER, 2019.

PER COURT:-

1. The petitioner was appointed as Shikshan Sevak with effect from 11.02.2013. The approval has been granted to the appointment of the petitioner as Shikshan Sevak by the Education Officer. After completion of period of three years as Shikshan Sevak, the petitioner is approved as Assistant Teacher by the Education Officer under order dated 23.11.2016. Under impugned order dated 23.10.2018, the approval granted to the petitioner as Shikshan Sevak is canceled. There does not appear to be any consideration about the permanent approval granted to the petitioner.

2. We have heard Mr. Panpatte, learned counsel, learned A.G.P. for Education Officer and Mr. Choukidar, learned counsel for the Institution.

3. With the assistance of the learned counsel for the respective parties we have perused the

impugned order of the Deputy Director of Education canceling the approval granted to the appointment of the petitioner. Upon perusal of the order we do not find that the case of the petitioner has been considered by the Deputy Director of Education in any of the reasoning part except the operative order. Without any reasons being recorded, the Deputy Director of Education has canceled the approval granted to the petitioner.

4. It is trite that, reasons now are considered to be the third pillar of the principles of natural justice. The reasons depict the application of mind of the authority passing the order. The impugned order is bereft of any reasons as to why the approval granted in favour of the petitioner is sought to be canceled or how the case put forth by the petitioner has been considered by the Deputy Director of Education while canceling the approval. There is absolutely not an iota of consideration in this regard in the whole order.

5. In light of that, the impugned order is quashed and set aside. In case, the parties want to proceed against the petitioner they should adhere to the provisions of law and the principles.

6. Writ Petition is disposed of. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE