

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11534 OF 2014

Mudashir Anjum Saeed Ahmed
Shaikh & Ors.

.. Petitioners

Vs.

Head Master,
A.T.T. High School and Junior
College, Malegaon & Ors.

.. Respondents

Mr.Sachin Gite for petitioners.

Mr.Jitendra Gaikwad I/b Mr.Anil Kumar K. Patil for respondent Nos.1 and 2.

r.K.S. Thorat, AGP for respondent-State.

**CORAM : R. M. BORDE &
N.J. JAMADAR, JJ.**

DATE : 27TH JUNE 2019

P.C.

1. The petitioners are objecting to the adverse order passed by the Deputy Director of Education, Nashik Division, Nashik on 24th September 2013 and the consequential communication issued by the Education Officer, Zilla Parishad, Nashik dated 27th June 2014.

2. It is stated by the learned counsel for the petitioners that the direction issued by the Education Officer, Zilla Parishad, Nashik dated 27th June 2014 in respect of recovering excess amount paid to the petitioners out of the monthly wages, is in furtherance of the order passed by the Deputy Director of Education on 24th September 2013. The petitioners contend that the adverse order has been issued by the Deputy Director of Education, Nashik without extending an opportunity of hearing to the petitioners. The contention has not been controverted by the respondents.

3. In the circumstances, the interest of justice would met in directing quashment of the order dated 24th September 2013 and remitting matter back to the Deputy Director of Education, Nashik. The order passed by the Deputy Director of Education, Nashik dated 24th September 2013 is quashed and set aside with a further direction to treat the said order as notice to the petitioners asking them to show cause as to why the amount as proposed shall not be recovered from their monthly wages. It would be open for the Deputy Director of Education, Nashik to extend an opportunity of hearing to the petitioners and thereafter, proceed to pass appropriate order in accordance with the provisions of law.

4. The petitioners shall appear before the Deputy Director of Education, Nashik Division, Nashik on 15th July 2019 and shall tender their reply to the notice dated 24th September 2013. The Education Officer, Nashik may pass appropriate order in accordance with the provisions of law, as expeditiously as possible, preferably within four months from the date of the appearance of the petitioners.

5. In view of the directions as above, the writ petition is disposed of.

[N.J. JAMADAR, J.]

[R. M. BORDE, J.]