

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

WRIT PETITION NO. 11210 OF 2017

Shri Khedekar Bhimrao Krushna ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. S. A. Mane, Advocate for the Petitioner.

Mr. A. P. Vanarse, AGP for Respondent Nos. 1, 2 & 5 -
State.

None for Respondent Nos. 3 & 4.

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

DATE : JULY 31, 2019.

PC :

1 The Petitioner, who is functioning as an Assistant Teacher in Respondent No. 4 School, run by Respondent No.3-Institution, is objecting to the order passed by the Deputy Director of Education, Pune Region, Pune on 14th August, 2017. The Deputy Director of Education on 30th August, 2016 issued an order, directing the Institution to take steps in furtherance to the resolution adopted, concerning the Petitioner, and had also directed, stay to the order passed by the Education Officer (Secondary), Zilla Parishad, Solapur, declaring the Petitioner as surplus employee. It was further directed to the Education

Officer to take steps for declaring the Petitioner as surplus employee. The Deputy Director of Education, on his own and without calling upon the Petitioner has proceed to record certain corrections in the order passed by him earlier, which order causes prejudice to the Petitioner and also has an effect of withdrawal of the benefits derived by the Petitioner under the earlier order passed by him. According to the Petitioner, the Deputy Director of Education, ought not to have recorded subsequent order incorporating corrections i.e. the order dated 14th August, 2017, which causes serious prejudice to him, without extending an opportunity of hearing. Since order recorded on 14th August, 2017 has been issued without extending an opportunity of hearing to the Petitioner, same deserves to be quashed and same is accordingly, quashed. It would be open for Dy. Director of Education to pass fresh order in observance of principles of natural justice.

2 In the circumstances, it would be appropriate for the Deputy Director of Education to extend an opportunity of hearing to the Petitioner and pass appropriate orders in accordance with law.

3 The Deputy Director of Education shall take steps and pass appropriate orders in consonance with the observations made in this order as early as possible, preferably within a period of eight weeks from today.

4 In the light of the directions, as above, the writ petition is disposed of.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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