

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 679 OF 2019

Shrigonda Taluka Krishi Seva Sangh,
(Registered Trust) Through its Secretary,
Vitthal Baburao Sonawane and Anr.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

Mr V.D. Hon, Senior Counsel i/by
Mr V.H. Dighe, Advocate for Petitioners
Mr A.B. Chate, A.G.P. for Respondent Nos. 1 to 3

**CORAM : S.S. SHINDE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 18th SEPTEMBER, 2020

PER COURT :

1. The petitioners are challenging the impugned order dated 26th November, 2018 whereby respondent No.3 – Education Officer (Secondary) has rejected the proposal of the petitioners on two grounds.
2. Heard Mr Hon, learned Senior Counsel appearing for the petitioners and learned Assistant Government Pleader for respondent Nos. 1 to 3. Perused the impugned communication.
3. It is pointed out by the learned Senior Counsel that the decision has been taken by the Education Officer (Secondary) without giving an opportunity of being heard to the petitioners. The Nagpur Bench has passed order in similarly situated case. It is necessary to extend an opportunity of hearing to petitioner No. 1 before passing such kind of orders.

4. It is evident from the record that the Education Officer (Secondary) seems to have passed impugned order without giving any kind of opportunity to the petitioners. The principles of natural justice are not followed.

5. Under these facts and circumstances, it is necessary to set aside the impugned order/communication with certain directions to the respondents. We hereby quash and set aside the impugned communication dated 26th November, 2018 issued by respondent No. 3 – Education Officer (Secondary), Ahmednagar.

6. Respondent No. 3 – Education Officer (Secondary), Ahmednagar shall extend an opportunity of hearing to the petitioner No. 2 and pass appropriate order according to the provisions of law and the Rules within a period of four weeks from the date of appearance of the petitioners.

7. With these directions, the writ petition stands disposed of. No order as to costs.

[SHRIKANT D. KULKARNI, J.]

[S.S. SHINDE, J.]

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