

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

146 WRIT PETITION NO. 14174 OF 2019

**GANESH LAXMAN MALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Shaikh Majit S
AGP for Respondents No. 1 & 2 : Mr. S. G. Karlekar
Advocate for Respondent No. 3 : Mr. S. S. Deshmukh

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 18th FEBRUARY, 2020

PER COURT:

1. The petitioner was granted approval to the transfer from unaided to aided post under order dated 06.09.2019. Under order dated 13.09.2019, the order of approval is cancelled.

2. We have heard the learned counsel for the petitioner and the learned Assistant Government Pleader.

3. It is submitted that the approval is cancelled under the impugned order without notice to the petitioner and without hearing the petitioner.

4. Reference is given to the judgment of this Court in Writ Petition No. 6127 of 2016 dated 04.07.2019. The said judgment is referred to in Writ Petition No. 1493 of 2018 with connected writ petitions.

5. Once the approval was already granted in favour of the petitioner it should not have been cancelled without issuing notice to the petitioner.

6. In light of that, the impugned order is quashed and set aside. In case the respondent / Education Officer wants to take any action, the same has to be only after issuing notice to the petitioner and observing the principles of natural justice.

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

[SHRIKANT D. KULKARNI, J.]
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[S. V. GANGAPURWALA, J.]