

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.110 OF 2020

Bhalchandra S/o Lala Chavan ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr S.S. Deshmukh, Advocate for Petitioner
Smt R.P. Gour, AGP for Respondent Nos. 1 to 3
Mr V.D. Hon, Senior Counsel along with
Mr A.V. Hon, Advocate for Respondent Nos. 4 and 5

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

ATE : 9th MARCH, 2020

PER COURT :

1. We have heard Mr Deshmukh, the learned Counsel for the petitioner, Mr Hon, the learned Senior Counsel for respondent Nos. 4 and 5 and the learned Assistant Government Pleader.

2. The approval was granted to the present petitioner as a Headmaster under order dated 10.10.2019 w.e.f. 01.09.2019. Subsequently, under order dated 16.10.2019, while granting approval to one Umesh Jairam Patil as Incharge Headmaster for temporary period of three months, the approval granted to the appointment of the petitioner as Headmaster is cancelled. The same is assailed.

3. Upon hearing the learned Counsel for the parties, it is manifest that the approval granted to the petitioner as a Headmaster under order dated 10.10.2019 is withdrawn/cancelled without notice to the petitioner and without hearing the petitioner. Such recourse is not permissible.

4. At a time of grant/rejection of approval, the hearing is not contemplated. However, once the approval has been granted and the same is sought to be withdrawn/cancelled, then the party in whose favour approval is granted has to be heard. The impugned order does not stand the test of adherence to the principles of natural justice.

5. In light of that, the impugned order is quashed ad set aside.

6. It would be appropriate for the Dy. Director of Education to consider the order of approval granted to the petitioner as a Headmaster.

7. The petitioner and respondent Nos. 4 and 5 shall appear before the respondent No. 2 on 27.03.2020. The petitioner and respondent Nos. 4 and 5 may file documents on which they intend to place reliance upon. They may also file their say. The Deputy Director of Education shall after considering documents and say filed by the parties, take decision

with regard to the approval of the petitioner as a Head Master on its own merits preferably within a period of two months from the date of appearance of the parties.

8. The writ petition is accordingly disposed of. No costs.

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

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