

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.5446/2017

(Sunil Markandiji Palhale Vs. State of Maharashtra and others.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Rahil J. Mirza, Advocate for Petitioner.
Mrs. Jaypurkar, Assistant Government Pleader for Respondent Nos.1 to 3.
Shri V. Paliwal, Advocate for Respondent Nos.4 and 5.

CORAM: RAVINDRA V. GHUGE AND
S.M. MODAK, JJ.

DATE: 4th FEBRUARY, 2020.

1] Heard.

2] The learned Advocate for the petitioner points out the affidavit in reply filed by Shri Shriram Khiru Chavhan, Education Deputy Inspector from the office of the Deputy Director of Education, Nagpur dated 16.10.2018 wherein he has stated in the first paragraph that in similar set of facts in Writ Petition No.7226 of 2017, a statement was made on behalf of the Education Department that the petitioner would be granted an opportunity of hearing and thereafter an appropriate order would be passed. This Court has accepted the said statement vide order dated 03.08.2018 and has quashed the impugned order passed by the Education Officer and the Deputy Director of Education. The matter was remanded to the Deputy Director of Education, Nagpur for hearing the petitioner. It is requested that the same order can be passed.

3] The learned Assistant Government Pleader and the learned Advocate appearing on behalf of the respondents submit that this Court could pass an appropriate order.

4] In view of the above, this petition is partly allowed. Specifically taking into consideration paragraph 1 of the affidavit dated 16.10.2018, the impugned orders dated 12.04.2017, 14.04.2017 and 21.07.2017 are set aside.

5] The petitioner as well as respondent Nos. 3, 4 and 5 shall appear before respondent No.2 on 17.02.2020 at 3.00 p.m.. The parties shall abide by the dates for hearing on which the matter would be posted. After respondent No.2 concludes the hearing, he would allot a specific date and time for the pronouncement of his order. The litigating parties would be obliged to remain present to note the pronouncement. All the contentions of the litigating sides are kept open to be considered by respondent No.2.

(S.M. Modak, J.)

(Ravindra V. Ghuge, J.)