

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1102 OF 2020

SWATI SHAHAJIRAO CHATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.V.H.Dighe, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for respondent Nos. 1 to 3.
Mr.S.S.Wagh, Advocate for respondent Nos. 4 and 5.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)

DATE : JULY 29, 2021

PER COURT :

1. The petitioner has put forth prayer clause B and C as under :-

"B. Issue writ of mandamus, or any other appropriate writ, order or directions in the nature of writ of mandamus directing the respondent No.3 - Education Officer (Secondary), Zilla Parishad, Nanded, District Nanded, to grant approval to the appointment of the petitioner as per the proposal submitted by the management as a Shikshan Sevak from the date of her appointment and to release the consequential monetary benefits and for that purpose issue necessary orders.

C. To quash and set aside the impugned order/communication dated 18.12.2019 issued by respondent No.3 Education Officer (Secondary), Nanded, District Nanded, rejecting the proposal submitted by the respondent-Management for grant the approval to the appointment of

petitioner for the post of Assistant Teacher and for that purpose issue necessary orders."

2. The learned Advocate for the petitioner relies upon an order passed by this Court on 18/09/2020 in WP No.679/2019 filed by Shrigonda Taluka Krishi Seva Sangh Vs. The State of Maharashtra and others wherein a similar impugned order / communication issued by Education Officer (Secondary) has been quashed and set aside, since an opportunity of hearing was not granted to the petitioner.

3. In the light of the above, this petition is partly allowed. The impugned communication dated 18/12/2019 issued by respondent No.3, is quashed and set aside. The petitioner and respondent No.4 Management/Head Master, shall appear before respondent No.3 on 10/08/2021 at 3.00 p.m. Respondent No.3 shall extend a reasonable opportunity of hearing to these parties and conclude the hearing on or before 14/08/2021. Thereafter he shall proceed to pass a reasoned order in accordance with Law, on or before 31/08/2021.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)