

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

WRIT PETITION NO. 6092 OF 2021

Bhagwat Tukaram Valse .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Tyukaram M. Venjane, Advocate for the Petitioner.
Shri A. A. Jagatkar, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 04TH MAY, 2021.**

FINAL ORDER :

. Mr. Venjane, the learned advocate for the petitioner submits that, the principles of natural justice are flouted. The authority under the Government Resolution dated 19th January, 2018 passing orders is the Sub Divisional Officer and the Appellate Authority is Collector. In the present matter, the Collector has passed the order. The same is illegal.

2. Our Government Service Centre (आपले सरकार सेवा केंद्र) is run by the petitioner at the place it is allotted. It is erroneous to contend that the petitioner has changed the site to run the said centre. The order passed by the Collector is without jurisdiction. The show cause notice was issued by the Sub Divisional Officer.

3. The learned Assistant Government Pleader submits that, the Collector after considering the reply filed by the petitioner has passed the order. No illegality has been committed by him.

4. Under the Government Resolution dated 19.01.2018, the Collector is Appellate Authority. The Sub Divisional Officer is empowered to take administrative action. In the present case, show cause notice was issued by the Sub Divisional Officer. Reply was solicited by the Sub Divisional Officer. After receipt of reply, the Collector on the basis of the report and reply passed the order. We may not term the order passed by the Collector as without jurisdiction.

5. Of course, the service center appears to be source of livelihood to the petitioner. In view of that, we are inclined to grant one more opportunity to the petitioner. The petitioner may file detailed say along with evidence and documents at his disposal to demonstrate the place where he runs his service centre. The Collector on receipt of the detailed reply and documents from the petitioner shall take decision afresh with regard to the service centre of the petitioner on its own merits, in accordance with law and policy, expeditiously and preferably within a period of four (04) weeks from the date of receipt of the reply from the petitioner. In that event the impugned order would not be an impediment.

6. In view of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]
bsb/May 21