

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

WRIT PETITION NO. 8776 OF 2021

Parbhani Education Society, Parbhani

Through its Secretary

Dr. Anwar Ali Shah

and another

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Smt. Anjali Dube (Bajpai), Advocate for the Petitioners.

Mr. S. G. Karlekar, AGP for Respondent Nos. 1 and 2.

Mr. V. J. Dhage, Advocate for Respondent No. 4.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 23rd September, 2021.

PER COURT:-

1. Smt. Dube, learned counsel for the petitioners submits that the petitioner no. 2 is granted approval as a in-charge Headmaster up to 30.11.2021. The petitioner no. 2 is appointed by the petitioner no. 1. According to the learned counsel, abruptly under the impugned order, the order granting approval is stayed. The petitioner no. 2 was never issued with any notice.

2. Mr. Dhage, learned counsel appears for respondent No. 4 and submits that respondent No. 4 is the Secretary of the Parbhani Education Society and petitioner no. 2 is not officiating as a Headmaster. One regular Headmaster has been appointed namely

Syed Basheer. According to the learned counsel, the petitioner no. 2 is not appointed by approved management.

3. It appears that, the mess has been created by the Education Officer. On 20.07.2021 approval is granted to the appointment of the petitioner no. 2 as an in-charge Headmaster and on 23.07.2021 the said approval order is stayed.

4. Once the order of approval is passed and the same is sought to be stayed and / or set aside, the minimum requirement of adherence to the principles of natural justice has to be observed. In the present case, the same is violated. Without notice to the petitioner no. 2 the order of approval is stayed.

5. In the light of that, the impugned order is set aside on the ground that principles of natural justice were not adhered to. If the respondent No. 3 wants to take further steps with regard to the order of approval as an in-charge Headmaster dated 20.07.2021, then respondent No. 3 may issue notice to the petitioner no. 2 and interested parties may appear. The decision may be taken in accordance with law thereafter.

6. With these observations, writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

RS.B.