

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

WRIT PETITION NO. 15142 OF 2017

Vitthal Goroba Aitbone

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. T. M. Venjane, Advocate for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondent Nos. 1 to 3.

Mr. S. S. Manale, Advocate for Respondent Nos. 4 & 5.

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

DATED : 05th October, 2021.

PER COURT:-

. Heard the learned counsel for the petitioner, the learned A.G.P. and learned counsel for the management.

2. The grievance of the petitioner is that without notice to the petitioner and without hearing the petitioner, the Education Officer under the impugned communication has observed that the approval granted on 21.01.2011 to the petitioner is fraudulent and further that no approval has been granted to the petitioner and his services should be terminated immediately.

3. The learned counsel for the management submits that the proposal for approval was submitted by the management.
4. Be that as it may, it appears that the impugned communication is without notice to the petitioner. The petitioner was granted approval to his appointment on 21.01.2011. The same is said to have been obtained fraudulently and is forged one as per the impugned communication.
5. When an order adverse to the interest of the petitioner is passed, adherence to the principles of natural justice is necessitated.
6. In the light of the above, we pass the following order.
7. The petitioner and management shall appear before the Education Officer (Secondary), Latur on 27.10.2021 and put forth their contention with regard to approval granted on 21.01.2011. The Education Officer shall after verifying the record and considering the stand put forth by the petitioner and the management take decision afresh and while taking decision afresh the impugned communication would not be an impediment. The decision shall be taken preferably within a period of four (04) months from the date of appearance of the parties.

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

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.