

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10033/2018

Malhari Laxman Magar

..... Petitioner

Vs.

The Education Officer (Secondary)
and Others

..... Respondents

Mr. A. B. Tajane for the Petitioner

Ms. Kavita N. Solunke, AGP for Respondents No.1 to 3 and 8.

**CORAM: R.D.DHANUKA &
ABHAY AHUJA, JJ.**

DATED : OCTOBER 20, 2021

P.C.

Mr.Tajane, the learned counsel for the Petitioner, on instructions, seeks liberty to delete Respondent Nos.4 to 7. Liberty granted. Amendment shall be carried out forthwith. Re-verification is dispensed with.

2 Rule.

The learned AGP waives service for the State.

By consent of the parties the petition is heard finally.

3 By this petition under Article 226 of the Constitution of India, the Petitioner has impugned the orders dated 10.09.2016 and 31.05.2019. With the assistance of the learned counsel for the parties, we have perused the

impugned orders. Perusal of the impugned orders clearly indicate that no reasons are recorded by the Education Officer insofar as the Petitioner is concerned. The impugned orders are, thus, in violation of the principles of natural justice. The learned AGP could not justify the impugned orders, insofar as the Petitioner is concerned.

4 We, accordingly, pass the following order:

a. Impugned orders dated 10.09.2016 and 31.05.2019 passed by the Education Officer (Secondary), Zilla Parishad, Solapur to consider the said proposal, *De-novo*, after hearing the Petitioner and in accordance with the law within 8 weeks from today, without being influenced by the observations made, if any, in the impugned orders and the conclusion drawn therein.

b. The Education Officer shall consider the relevant Government Resolutions, applicable to the appointment of the Petitioner.

c. The Petitioner is directed to appear before the Education Officer (Secondary), Zilla Parishad, Solapur on 28.10.2021 at 11.00 a.m.

d. The order that would be passed by the Education Officer shall be communicated to the Petitioner within a week from the date of passing the order.

e. If the order is adverse against the Petitioner, the Petitioner shall be at liberty to file appropriate proceedings.

f. If the order is in favour of the Petitioner granting approval to the appointment from the date of initial appointment, the consequential benefits should be provided to the Petitioner within 8 weeks from the date of passing the order.

g. The Writ Petition is disposed of in the aforesaid terms.

h. The Rule is made absolute accordingly.

(ABHAY AHUJA, J.)

(R.D.DHANUKA, J.)