

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Sneha
N.
Chavan

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by Sneha N.
Chavan
Date: 2021.03.25
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WRIT PETITION NO. 11086 OF 2018

Vyankatesh Education Society,
Hupari through its Secretary and Anr. ..Petitioners
V/s.

The State of Maharashtra
through the Secretary & Ors. ..Respondents

Mr. S.S. Pakale a/w Dnyaneshwar Kale i/b S. M. Katkar for the
Petitioners.

Ms. K. N. Solunke, AGP for the Respondents.

CORAM : NITIN JAMDAR AND
C.V. BHADANG, JJ.

DATE : 23 March 2021

P.C.

. Heard the learned counsel for the parties.

2. The Petitioner has challenged the show cause notices issued
to the Petitioner on 21 September 2018 and 07 September 2017.

3. The learned counsel for the Petitioner informs that no final
order upon show cause notices have been issued. The show cause
notice dated 21 September 2018 mentions that when there was

hearing conducting on 21 September 2018, the Petitioner did not remain present.

4. The learned counsel for the Petitioner submitted that the Petitioner had given written representation with the contention of the Petitioner that there are various orders passed by this Court, which would demonstrate that the action of the Respondents is not legal and in contravention. It is also sought to be contended that reference is made to certain orders passed by this court in the communication dated 07 September 2017 to which Petitioner was not a party.

5. As of today, the Petitioner has moved only on show cause notices. No final decision is yet taken. Before taking the final decision, the Respondents will have to consider the relevant decisions of this court and take decision as per law. It is open to the Petitioner to submit additional representation pointing out the decisions in favour of the Petitioner and to distinguish the decisions the Respondents seek to rely upon.

6. Considering the fact that the show cause notices are of the year 2017 & 2018, we permit the Petitioner to remain present for hearing before the Educational Officer (Secondary) and place the case of the Petitioner before the Educational Officer.

7. The Education Officer will examine the position in light of the decision rendered by this Court as annexed to the petition and take necessary decision as per law within a period of eight weeks from the date of the hearing before the Educational Officer is concluded.

8. The Petitioner will appear before the Educational Officer, Secondary on 05 April 2021 wherein, the Educational Officer will either hear the Petitioner on the same date or give a short date for hearing.

9. With these directions, Writ Petition is disposed of.

(C.V. BHADANG, J.)

(NITIN JAMDAR, J.)