

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2710/2020.

Prabhu Sitaram Vaidya

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
directions and Registrar's orders.

Court's or Judge's Orders or

Shri I.G. Meshram, Advocate for the Petitioner.

Ms.K. Deshpande, Assistant Government Pleader for
the Respondent No. 1.

Shri S. Zoting, Advocate for the Respondent Nos.2 to
4.

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATE : 15 FEBRUARY 2021.

P.C.

Heard learned Counsel for the Parties.

2. It is not necessary to detail the facts of the case since before recovering amounts from the salary of the Petitioner, a teacher, no notice has been given, let alone any opportunity.

3. The Petitioner is working as a Primary Teacher. The Block Education Officer, Panchayat Samiti, Armori on 20 November,

2019, passed an order directing that an amount of Rs.3,00,333/- be recovered in 30 installments from the Petitioner. The assertion of the Petitioner is that, the Petitioner was not given any opportunity nor any notice, has gone controverted. Even the circular dated 19 December 2015 speaks of an opportunity and notice.

4. In these circumstances, we do not deem it necessary to keep the Writ Petition pending. The order dated 20 November 2019 is quashed and set aside.

5. Liberty is granted to the Respondents to take necessary action in respect of the recovery, if any, after giving notice to the Petitioner and a reasonable opportunity. We make it clear that reasonable opportunity does not necessarily means oral hearing.

6. Action be taken by the Respondent Zilla Parishad within a period of 8 weeks. The amount which is already recovered from the Petitioner shall be subject to outcome of the fresh proceedings.

7. Writ Petition is disposed of in above terms.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Rgd

Rakesh
Dhuriya

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by Rakesh
Dhuriya
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2021.02.17
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