

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

WRIT PETITION NO.5907 OF 2021

Dilip Natthu Choudhari,
Age : 63 Years, Occ. Editor,
R/o. 40B, Vrundavan Colony,
Nandurbar

.. Petitioner

VERSUS

1. The State of Maharashtra
Through its Director General
Information and Broad Casting Department,
Mantralaya, Mumbai- 32.
 2. The Deputy Director,
Information and Broad Casting
Department, Nashik.
 3. District Information Officer,
District Information Office,
Nandurbar.
- .. Respondents

...
Advocate for Petitioner : Mr. R.N. Jain
AGP for Respondent Nos. 1 to 3: Mr. P. S. Patil
...

**CORAM : R. D. DHANUKA &
S.G. MEHARE JJ.
DATE : 09.03.2022.**

ORAL JUDGMENT :-

Rule. Learned A.G.P. waives service for respondents.

Rule is returnable forthwith.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner has challenged the impugned order dated 24.11.2020 passed by respondent No.1 and order dated 12th March 2020 passed by respondent No.2 thereby rejecting the application filed by the petitioner.

3. Learned counsel for the petitioner invited our attention to the impugned orders rejecting the said application on the ground that petitioner did not have experience of 30 years as Journalist. The appeal preferred by the petitioner is also rejected on similar ground.

4. The learned counsel for the petitioner invited our attention to the document annexed at page No. 31 to 33 and would submit that none of the authorities below have considered the documents showing the experience of the petitioner more than 30 years as a Journalist. He submits that the petitioner was already granted such certificate up to 2014. This fact is also not considered by the respondents authorities.

5. A perusal of the impugned order does not indicate that all these documents are considered by the authorities.

6. The respondents have filed an affidavit recording additional reasons not forming part of the impugned orders. The reasons cannot be supplanted by affidavit which are not recorded in the original orders. The impugned orders are accordingly quashed and set aside in terms of prayer clause 'B'.

7. The application filed by the petitioner is restored before respondent No.2 for re-consideration in accordance with law. The respondent No.2 shall grant personal hearing to the petitioner before passing a fresh order and shall decide the application without being influenced by the observation made and the conclusion drawn in the order dated 12st March 2020 passed by him and the order dated 24th November, 2020 passed by the respondent No.1.

8. The order shall be passed within eight weeks from the date of personal hearing being granted to the petitioner. The order shall be communicated to the petitioner within one week from the date of passing order.

09. If the order is in favour of the petitioner, the certificate as prayed in the application shall be granted within one week from the date of passing of the order. If the order is against the

petitioner, the petitioner would be liberty to file appropriate proceeding. The Writ Petition is allowed in aforesaid terms.

10. Rule is made absolute. No order as to costs. Parties to act on the authenticated copy of this order.

11. The petitioner is directed to appear before respondent No.2 on 21st March 2022 at 11 a.m. The learned A.G.P to convey this order to respondent No.2 for information and compliance.

(S.G. MEHARE J.)

(R.D. DHANUKA J.)

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