

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

901 **WRIT PETITION NO.8539 OF 2019**

INDIAN INSTITUTE OF DRUGLESS THERAPY
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr.C.K. Shinde, Advocate for the petitioner;
Mr.P.S. Patil, Addl.G.P. for respondent Nos.1 to 3.

...

**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 20.04.2022

P.C. :

1. This matter was heard for quite some time on 18.04.2022. We noticed from the pleadings in this petition that the pending appeal filed by the petitioner on 16.08.2017 numbered as File-328/2017 was decided without hearing the parties, by the impugned order dated 25.02.2019. We, therefore, requested the learned A.G.P. to take instructions as regards the fact situation.

2. The learned A.G.P. tenders a copy of the communication received by him dated 20.04.2022 from the Deputy Secretary, State of Maharashtra, Tribal Development Department intimating him that the impugned order was indeed passed without hearing the petitioner. The said communication is taken on record and marked as "X-1" for identification.

3. In view of the above, this petition is partly allowed. The impugned order dated 25.02.2019 passed by the first respondent is quashed and set aside with the following directions:-

(a) The appeal File-328/2017 preferred by the petitioner shall stand restored to the office of respondent no.1.

(b) The petitioner shall appear before respondent No.1 on 5th May, 2022 at 12.00 noon.

(c) Considering the above, notice is not required to be issued.

(d) After granting an adequate opportunity of hearing to the petitioner and the statutory authorities, who are at liberty to enter their written notes of submissions along with case law, respondent no.1 shall deliver it's reasoned order on or before 30th August, 2022.

(e) All contentions of the parties are kept open.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)