

opportunity of hearing has been granted to the petitioner. She also submits that the petitioner had made representation to respondent No.6 for reconsideration of his decision but to no effect.

4. Mr. Thorat, learned Counsel for respondents No.6 to 8 submits that Zilla Parishad, Thane would issue notice to the petitioner, give an opportunity to the petitioner and thereafter take appropriate decision in accordance with law.

5. Learned Counsel for the petitioner submits that in any case, the Government Resolution dated 24th August, 2017 could not have been applied to a teacher like the petitioner who has been awarded excellence certificate in the year 2006 in view of the law laid down by the co-ordinate bench of this Court at Aurangabad in Writ Petition No.1954 of 2018 together with other connected matters decided on 25th January, 2019.

6. We are of the view that the proposal put forward on behalf of respondents No.6 and 7 is reasonable and if accepted, it would enable the petitioner to explain his stand properly before respondents No.6 and 7. Therefore, we are of the view that this petition deserves to be partly allowed.

7. The petition is partly allowed. Impugned order of recovery is hereby quashed and set aside. We direct respondents No.6 and No.7 to reconsider and decide the whole issue after giving sufficient notice and opportunity of hearing to the petitioner, in accordance with law.

8. The petitioner is directed to appear before respondent No.7-
The Education Officer on 4th April, 2022.
9. Respondents No.6 and 7 are directed to take fresh decision
in accordance with law within eight weeks from the date of
appearance of the petitioner before respondent No.7.
10. In case, decision goes in favour of the petitioner, the amount
so far recovered from the salary of the petitioner shall be refunded
to him with appropriate interest within a period of four weeks
from the date of decision.
11. Rule is made absolute in the above terms. No costs.

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]