

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SHAMBHAVI
NILESH
SHIVGAN

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SHAMBHAVI NILESH
SHIVGAN
Date: 2022.08.02
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WRIT PETITION NO.6686 OF 2021

Mahesh Uttamrao Londhe

..... Petitioner

Vs.

The State of Maharashtra

Through Department of Social Welfare

and Ors.

....Respondents

Mr. Atul Damle, Senior Counsel i/by Mr. Parmeshwar Bhise for the
Petitioner.

Mrs. S.S.Bhende , A.G.P. for the State.

Ms. Swapna P. Kode for Respondent No.3.

Mr. Anand Kumar Singh for Respondent No.4.

**CORAM: S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : JULY 27, 2022

P.C.

1. Mr. Damle, learned Senior Advocate, submits that the impugned order is passed without notice to the Petitioner and without hearing Petitioner. Under the impugned order, the order of the transfer in the name of the petitioner is cancelled. Principles of natural justice are violated. Behind the back of the petitioner, the said order is passed. The Authority passing the order did not possess the jurisdiction to pass the impugned order.

2. We have heard learned counsel for Respondent Nos.3 and 4 and so also the learned AGP.

3. Rules of natural justice are required to be followed by giving advance notice to all concerned parties. When an order adverse to interest of the party is passed, such party has to be noticed.

4. As the impugned order is passed without following principles of natural justice, same is quashed and set aside.

5. Parties are relegated before the Authority, i.e., Regional Deputy Director, Social Welfare Department (Respondent No.2).

6. Parties shall appear before Respondent No.2 on 11th August, 2022. Petitioner may file his say before Authority. After hearing all the parties, concerned authority shall take decision afresh on its own merits preferably within four months from the date of appearance of the parties.

7. All contentions of respective parties are kept open.

8. Writ Petition is disposed of. No costs.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)