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

WRIT PETITION NO.7832 OF 2021

Sainath Shikshan Prasarak
Mandal and Anr.

..... Petitioner

Vs.

The State of Maharashtra and Ors.

..... Respondents

Mr.Laxman S. Deshmukh for the Petitioner
Mr.Rahul S. Kadam for the Respondents
Mr.N.C.Walimbe, A.G.P. for the State

**CORAM: S.V. GANGAPURWALA &
S.M. MODAK, JJ.**

DATED : JUNE 22, 2022

P.C.

1. The learned counsel for the petitioner submits that the communication dated 20.05.2021 by the Education Officer (Primary) to the Deputy Director of Education is illegal. The same is not warranted under any provision of law. Time to time sanctions have been granted for filling of the post.

2. The appointment of teacher is also approved from time to time. The learned counsel for the respondent no.4

submits that the communication assailed in the matter dated 20.05.2021 is internal communication.

3. It is trite that adverse action cannot be taken against the party without according any opportunity of hearing to the party.

4. The learned counsel for respondent no.4 submits that due process of law would be followed.

5. In case some action is contemplated against the petitioner, respondents shall issue show cause notice for its explanation. In response to the show cause notice, the petitioner can raise all the grounds available to it.

6. As yet no action has been taken against the petitioner, the Petition would be pre-mature.

7. Writ Petition as such is disposed of. No costs.

8. All contentions of the parties are kept open.

(S.M.MODAK, J.)

(S.V. GANGAPURWALA, J.)