

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 861 OF 2019

PETITIONERS :-

- 1) Santgeeta Pundalik Shilgire, Age 36 years, R/o Pratibha Madhyamik Ashram Shala, Jalka, Tq. Ralegaon, Dist. Yavatmal.
- 2) Vijay Mahadeorao Katavale, Age 57 yrs,, R/o Pratibha Madhyamik Ashram Shala, Jalka, Tq.Ralegaon, Dist.Yavatmal.
- 3) Prafulla Shamrao Bodale, Age 38 yrs, R/o Pratibha Madhyamik Ashram Shala, Jalka, Tq.Ralegaon, dist.Yavatmal.

...VERSUS...

RESPONDENTS :-

- 1) The State of Maharashtra, through its Secretary for Tribal Development Department, Mantralaya, Mumbai.
- 2) The Project Officer, Tribal Development Project, Pandharkawada, Tq. Kelapur, Dist.Yavatmal.
- 3) The Lokvikas Shikshan Sanstha, Wani, Through its Secretary, having its office at Jalka, Tq. Ralegaon, Dist.Yavatmal.
- 4) The Headmaster, Pratibha Primary Ashram School, Jalka, Tq.Ralegaon, Dist.Yavatmal.

Mr.S.M.Vaishnav, counsel for the petitioners.
Mr.D.P.Thakare, Addl.G.P for respondent Nos.1 and 2.
Mr.B.G.Kulkarni, counsel for respondent Nos.3 and 4.

**CORAM : SUNIL B.SHUKRE &
SMT.M.S. JAWALKAR, JJ.**

DATE : 22.04.2022.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. Upon hearing both sides, we find that the impugned order has been passed by the respondent No.2 without giving adequate opportunity of hearing to the petitioners. The impugned order is an order of moment and therefore, it was required to be passed after following principles of natural justice and objectively, but that has not happened in the present case and therefore, the impugned order would not stand to the scrutiny of law.

4. Impugned order is hereby quashed and set aside. Respondent No.2 is directed to make a fresh enquiry in the matter and to take appropriate decision in accordance with law within a period of three months from the date of receipt of copy of the order.

5. Rule is made absolute in the above terms. No costs.

(SMT.M.S. JAWALKAR, J)

(SUNIL B. SHUKRE, J)