

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

WRIT PETITION NO.2823/2021

Dr. Parag Govind Joshi .Vs. The State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. B.G. Kulkarni, Advocate for petitioner.
Mr. N.R. Patil, AGP for respondent Nos.1 to 4.
Mr. S.S. Ghate, Advocate for respondent no.5.

CORAM : DIPANKAR DATTA, C.J. &
NITIN W. SAMBRE, J.

DATE : SEPTEMBER 5, 2022

P.C.

1. Pay protection, which was earlier granted to the petitioner, has been withdrawn. Such withdrawal has been communicated by a letter dated 02.03.2020 issued by the Accounts Officer, Higher Education, Grants, Amravati Division, Amravati.

2. It is not in dispute that such an order of withdrawal was passed by the Accounts Officer without putting the petitioner on notice or without giving him a hearing. Since withdrawal of pay protection results in civil consequences, the Accounts Officer could not have proceeded against the petitioner in breach of principles of natural justice. One may profitably refer in this connection to the decision of the Supreme Court in the case of **Bhagwan Shukla Vs. Union of India and others¹**.

3. We, accordingly, set aside the letter dated 02.03.2020. The matter is remitted to the Joint Director, Higher Education, Amravati Division, Amravati for a fresh decision upon extending to the petitioner reasonable opportunity of hearing. The petitioner shall be free to appear before the Joint Director on a date and time to be fixed for such purpose by the Joint Director. At the time of hearing, the petitioner shall be entitled to place his version together with the judgments of the Supreme Court as well as this Court on which reliance has been placed on his behalf by Mr.Kulkarni, learned advocate. A decision may be given by the Joint Director after hearing the petitioner and considering the judgments, if any, placed by him as early as possible but preferably within eight weeks from date of receipt of this order.

4. The writ petition stands disposed of. No costs.

5. All contentions raised in this writ petition are kept open.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)