

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

906 WRIT PETITION NO.3817 OF 2023

ABHAYSING VIJAYSING PAWAR
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. V. S. Panpatte.

AGP for Respondent/State : Mr. S. P. Tiwari.

...

AND

907 WRIT PETITION NO.3819 OF 2023

VIRENDRASING ISHWARSING SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. V. S. Panpatte.

AGP for Respondent/State : Mr. S. P. Tiwari.

...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 05th April, 2023.

Per Court:

1. These matters were heard for quite some time on 3rd April, 2023 and posted today for passing orders, in order to enable the learned AGP to take instructions.

2. The learned AGP submits that a re-hearing in the case of the Petitioners was scheduled on 11th October, 2022 by the Deputy

Director of Education, Nashik Division, Nashik. However, the impugned order is prepared on 21st July, 2022 and delivered on 26th August, 2022. Apparently, the hearing scheduled on 11th October, 2022, never took place.

3. In view of the above, these Petitions are partly allowed. The impugned order dated 21st July, 2022, is quashed and set aside. The proceedings involving the present Petitioners before the Deputy Director of Education, Nashik Division, Nashik, shall stand restored to the file of Respondent No.2 with the following directions:-

- a) The hearing in the matter shall be scheduled on 2nd May, 2023 at 12:00 noon.
- b) Notice is dispensed with as the parties are made aware of the said hearing.
- c) The Petitioners would be granted an opportunity of hearing by Respondent No.2 on the scheduled date.
- d) Written submissions by these Petitioners, are permitted.
- e) A decision in the said matter shall be delivered by Respondent No.2 by 31st May, 2023.
- f) If an adverse order is passed, the same shall contain reasons and shall not be implemented for a period of 15

days after it is pronounced, so as to enable these Petitioners to avail of the legal remedies as may be permissible in law.

- g) If a favourable order is passed, the legal consequences shall follow and these Petitioners would be entitled for all monetary benefits.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]

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