

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6715 OF 2022

SANDHI NIKETAN SHIKSHAN SANSTHA, THROUGH ITS
SECRETARY NIVARUTTI MAHIPATI WADGAONKAR AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE
MINISTER OF SOCIAL JUSTICE AND OTHERS

....

Mr V. D. Salunke, Advocate for petitioners;
Mr V. M. Kagne, A.G.P. for respondent Nos.

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

DATE : 10th February, 2023

PER COURT:

1. The petitioners have put forth prayer clauses (B), (C) and (D), which read as under :-

“B) To issue writ of Certiorari or any other appropriate writ or directions in the like nature, the impugned judgment and order dated 22.03.2022 passed by the minister of social justice thereby the appeal filed against the order dated 28.07.2020 issued by the Commissioner of Persons with Disabilities, Pune may kindly be quashed and set aside;

C) Pending hearing and final disposal of this petition, the impugned Judgment and Order dated 22.03.2022 passed by Ld. the Minister of Social Justice and the order dated 28.07.2020 issued by the Commissioner of Persons with Disabilities, Pune may kindly be stayed;

(2)

D) Pending hearing and final disposal of this petition, the respondent authorities may kindly be directed to remove the license of the petitioner in order to safeguard the interest of the student enrolled in the petitioner No. 2 School.”

2. We have briefly heard the learned Advocate for the petitioners and the learned A.G.P. on behalf of the respondents at 6.00 p.m. With their assistance, we have gone through the petition paper book.

3. There is no dispute that the petitioner was not afforded an opportunity of hearing before the impugned order was passed. Similar were the cases before this Court in Writ Petition No.5704/2020, filed by Shri Swami Samarth Apang Seva Mandal Vs. State of Maharashtra and in Writ Petition No.9145/2021, filed by Chandrasagar Bahuuddeshiya Sevabhavi Sanstha and another Vs. State of Maharashtra and others. These two petitions have been allowed by the orders dated 29/09/2022 and 16/06/2020, respectively, by two different Co-ordinate Benches, primarily on the ground that, notice of hearing was not issued to the petitioners and the impugned order was passed without adhering to the basic principles of right of hearing and principles of natural justice.

(3)

4. In view of the above and considering an identical situation in this matter, this petition is allowed. The impugned order dated 22/03/2022, is quashed and set aside.

5. Needless to state, in the event, the respondents/ Authorities desire to initiate any steps, they shall ensure that the principles of natural justice are followed and an opportunity of hearing is granted to the petitioners, if any adverse order is to be passed.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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