

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

WRIT PETITION (WP) NO. 20/2023

Hemlata W/o Shrikrushna Andhare,
Age: 45 Years, Occu. Agriculturist,
R/o Govind, Moreshwar Colony,
Akola, Tq. & District Akola.

..... PETITIONER

// VERSUS //

1. The State of Maharashtra,
Through its Principal Secretary,
Department of Agriculture,
Animal Husbandry, Dairy Development
& Fisheries, Mantralaya,
Mumbai- 400032
2. Dr. Panjabrao Deshmukh Agricultural
University, Akola, Through its Registrar,
Amravati Road, Akola, Tq. & Dist.
Akola.
3. Hon'ble Chancellor,
Maharashtra Agricultural Universities
and Governor, State of Maharashtra,
Raj Bhawan, Malabar Hill,
Mumbai, 400 035.

**Amended as per Court's
order dated 04.01.2023**

.... RESPONDENT(S)

Mr. Anil Mardikar, Senior Advocate with Mr. Digvijay Singh, Advocate for
the petitioner

Ms. N.P. Mehta, Assistant Government Pleader for respondent no. 1

Mr. A.R. Patil, Advocate for respondent no. 2

None for respondent no. 3

CORAM : **SUNIL B. SHUKRE AND**
 M. W. CHANDWANI, J.J.

DATED : **01/03/2023**

ORAL JUDGMENT : (PER:- SUNIL B. SHUKRE, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent.

3. The impugned order passed by respondent no. 3 suffers for more than one infirmity. It does not give any reason, and unreasoned order adversely affecting the position of a person on any Authority is anathema to the principles of rule of law and reasonableness under Article 14 read with Article 21 of the Constitution of India, 1950. The impugned order has also been passed without giving any opportunity of hearing to the petitioner and thus, it has made the petitioner to suffer civil consequences in violation of the principles of natural justice.

4. Such order cannot be sustained in the eye of law.

5. The learned Senior Advocate for the petitioner submits that since the order has been passed upon *suo moto* initiative taken by respondent no. 3, there would be no need for this Court to remand the matter back to respondent no. 3 and respondent no. 3, if thinks fit can always reconsider the issue in his own discretion. The submission is reasonable and we accept it.

6. In view of the above, writ petition is allowed. The impugned order is hereby quashed and set aside.

7. Liberty is granted to respondent 3 to reconsider the whole issue, in his discretion.

8. Rule is made absolute in the above terms with no order as to costs.

(M. W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)

SANDIP
MAHADEV
GATE

Personal Assistant to
the Hon'ble Judge
Digitally signed by
SANDIP MAHADEV
GATE
Date: 2023.03.01
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