

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 18081 OF 2024

Vasant Bhagoji Vhadage ...Petitioner
Versus
The State Of Maharashtra And Ors ...Respondents

Mr. Prashant Bhavake for Petitioner.
Mr. A. R. Dolekar, AGP for Respondent Nos.1 to 3-State.

Mr. Narendra Bandiwadekar, Senior Advocate i/b Mr. Umesh H
Pawar for Respondent No.4.

Mr. Suresh Pakale, Senior Advocate a/w Ms Netra Tembe i/b Ms
Padmaja Malegaonkar for Respondent No.4

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.
DATE : 16th DECEMBER, 2024**

P.C. :-

1 The Learned AGP submits on instructions that the
impugned orders dated 4th March, 2024 and 20th June, 2024 are
being withdrawn by the concerned authorities since an opportunity
of hearing was not given when the Education Officer passed the
impugned order.

2 This matter was heard for quiet sometime on 11th
December 2024 and 13th December 2024. Prima facie, what we

noticed is that the Education Officer who should be sticking to the rule book, is venturing into passing orders without granting an opportunity of hearing to a person whose approval was intact and which has now being cancelled. The entire school namely; Sai Vidyalaya, Ibrahimpur, Taluka-Chandgad, District-Kolhapur, has suffered to such an extent that the teaching and non-teaching staff have been infrequently deprived of their salaries.

3 Considering the above statement made on instructions, both the impugned orders stand withdrawn and shall lose their efficacy. The Petition need not be kept pending considering the submissions of the Learned Senior Advocates / Advocates and the Learned AGP which are recorded as under:

(a) The impugned orders stand withdrawn and lose their efficacy.

(b) Situation as existing before the issuance of the impugned orders shall stand restored and the said arrangement shall continue until the Competent Authority passes an order after considering the contentions of all the stake holders.

(c) The salary bills of the teaching and non-teaching staff

and the statutory payments required for operating the school on day to day basis, would be under the authority of the person who was earlier at the helm of affairs before the impugned orders were passed.

(d) After the Competent Authority issues notice for hearing to all the stake holders, the hearing would commence. All the stake holders and if at all there are any intervenors, their applications, would be considered strictly in accordance with law and the contentions being put forth by the parties, shall be recorded.

(e) The Competent Authority would pass a reasoned order.

(f) Needless to state, the seniority of the teachers would be tested strictly in accordance with law. The eligible senior most teacher, save and except if any one declines to shoulder the responsibility of the Head Master, would be taken into account by the Competent Authority while delivering his order.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)