

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.17344 OF 2024**

Rahul Dilip Kotkar

....Petitioner

***Versus***

The State of Maharashtra and Ors.

....Respondents

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Mr. Narendra V. Bandiwadekar a/w. Mr. Vinayak R. Kumbhar,  
Mr. Rajendra B. Kahire and Mr. Aniket S. Phapale i/b. Ms. Ashwini  
N. Bandiwadekar for the Petitioner.

Ms. A.A. Purav, AGP for Respondent Nos.1 to 3.

Mr. Aumkar Joshi for Respondent Nos.4 and 5.

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**CORAM : RAVINDRA V. GHUGE &  
ASHWIN D. BHOBE, JJ.**

**DATE : 3<sup>rd</sup> DECEMBER, 2024**

**P.C. :-**

1. This Court had issued notice to the Respondents on 8<sup>th</sup> June, 2023. The record indicates that the contesting Respondent Nos.4 and 5 had filed Vakalatnama on 15<sup>th</sup> September, 2023. Respondent No.6 was served in July, 2023. Respondent Nos.4 and 5 have chosen not to file an affidavit in reply. Respondent No.6 has not even bothered to appear, either in person or through an Advocate.

2. Having considered the submissions of the learned Advocates for the respective sides, we are not required to consider

all the contentions and the grounds raised by the parties. On a solitary ground, this Petition can be partly allowed.

3. The Petitioner had raised an objection with regard to the approval granted to the appointment of Respondent No.6 as an Assistant Teacher. The hearing in the office of the Divisional Deputy Director, Education, Pune was conducted by Mrs. Meena Shendkar, Assistant Director, Education, Pune Division, Pune. The said officer is arrayed as Respondent No.3. The impugned order (undated) was served upon the Management and the Petitioner with a covering letter dated 24<sup>th</sup> May, 2022. The covering letter is signed by Mr. Audumbar Ukirde, Deputy Director, Education, Pune Division, Pune. The impugned order is also passed by Mr. Audumbar Ukirde.

4. It is undisputed before us, in as much as, the records speak louder than words, that Mrs. Meena Shendkar conducted the hearing and the impugned order is passed by Mr. Audumbar Ukirde, who was not even present when the hearing took place on 29<sup>th</sup> March, 2022 at 4.00 p.m. in the office of the Divisional Deputy Director, Education, Pune. The entire impugned order speaks at various places, that the hearing was conducted by Mrs. Meena Shendkar.

5. We are astonished by the fact that the impugned order was not passed by the Authority which had heard the parties and the same is passed by the Authority which was not even present when the hearing took place.

6. In view of the above, **this Writ Petition is partly allowed.** The impugned order is quashed and set aside. The proceedings are restored to the file of the Deputy Director, Education, Pune Division, Pune.

7. Since a new officer has joined as Deputy Director, Education, we are not passing any order for placing this matter before any officer, other than Mr. Audumbar Ukirde. As such, let the said officer issue notices to all the contesting parties and after granting a reasonable opportunity of hearing to all the stake holders, he himself would pass a reasoned order. Let this exercise be completed within a period of 90 days.

**(ASHWIN D. BHOBE, J.)**

**(RAVINDRA V. GHUGE, J.)**