

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 13088 OF 2024**

Mahatma Phule Krida Va Shikshan Prasarak Mandal ... Petitioners
and Anr.

Versus

The State of Maharashtra and Ors. ... Respondents

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Mr. Narendra V. Bandiwadekar, Senior Advocate i/b. Mr. Sagar A. Mane,
Advocate for the Petitioners.

Mr. Vikas Mali, AGP for Respondent Nos. 1 to 4 – State.

Mr. Shekhar Mane, Advocate for the Intervenor

Mr. Ankita Salvi i/b. Mr. Rajaram Deshmukh, Advocate for intervenor.

CORAM : R. M. JOSHI, J.

DATED : 23rd SEPTEMBER, 2024.

P.C. :

1. Leave to amend.
2. Heard learned Senior Advocate for the petitioners. It is his submission that the Director of Education has passed unreasoned order. It is his submission that when the appeal was preferred against such order before the Minister, the Minister placed heavy reliance upon the report of the Deputy Director of Education, Pune dated 23.05.2023 while passing the order, however the said report was never made available to the petitioners nor opportunity to give say was provided.

To substantiate the said contention reliance is placed on communication dated 07.11.2023 at page No. 305 and 306. It was his

contention that the order passed on the basis of the report which was never provided to the petitioners cannot sustain.

3. Learned counsel for the added respondents opposes the grant of any relief on the ground that the order impugned takes into consideration the submission of both the sides.

4. Prima facie consideration of the record indicates that Minister had relied upon the report of the Deputy Director of Education, Pune dated 23.05.2023 and as per the statement made in the petition, the said report was not made available to the petitioners. As such arguable case is made out by the learned counsel for the petitioners, as a result of which there shall be stay to the impugned order till next date of hearing.

5. Issue notice to the respondents, returnable on **12th November, 2024.**

(R. M. JOSHI, J.)

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