



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

WRIT PETITION NO.2859 OF 2025

Zaheer Khan Hamza Khan
Age @ 61 yrs., Occ – Retired,
R/o Firoids Colony, Akola,
Tq. & Dist. Akola.

..... **PETITIONER**

...V E R S U S...

1. The State of Maharashtra Through its Secretary, for Rural Development Department, Mantralaya, Mumbai.
2. The Zilla Parishad, Akola Through its Chief Executive Officer, Dist. Akola. **RESPONDENTS**

Mr. S. M. Vaishnav, Advocate for Petitioner.
Mr. A. V. Palshikar, AGP for Respondent No.1/State.
Mr. U. J. Deshpande, Advocate for Respondent No.2.

CORAM: **SMT. M. S. JAWALKAR AND RAJ D. WAKODE, JJ.**
DATE: **11th SEPTEMBER, 2025.**

ORAL JUDGMENT: **(PER RAJ D. WAKODE, J.)**

1. Heard.
2. **Rule.** Rule is made returnable forthwith with the consent of the parties.
3. Heard Mr. S. M. Vaishnav, the learned Counsel for the petitioner, Mr. A. V. Palshikar, the learned Assistant Government Pleader appearing for the respondent No.1 and Mr. U. J.

Deshpande, the learned Counsel for the respondent No.2 – Zilla Parishad, Akola.

4. Mr. Vaishnav, the learned Counsel for the petitioner contends that the petitioner is aggrieved by the impugned order dated 13.08.2024 whereby the date of First Benefit has been changed without giving any notice or without any hearing to the petitioner and has been changed from 18.08.1998 to 11.05.2009. As a consequence to this change his date of Second Benefit is also changed.

5. Since the aforesaid action at the behest of the respondent No.2 – Zilla Parishad, Akola is prejudicial to the petitioner and it has been conducted in the violation of the principles of natural justice this matter can be disposed of by remanding the same to the respondent No.2 with a direction. It is well settled position of law that the breach of principles of natural justice would be one situation where this Court can always interfere despite there being any alternate remedy.

6. In the consequence, we set aside the impugned order dated 13.08.2024 issued by the Chief Executive Officer, Zilla Parishad, Akola.

7. The respondent No.2 is directed to consider the matter afresh after issuing notice to the petitioner and after

hearing the concerned parties and pass appropriate order in accordance with law.

8. The respondent No.2 is directed to carry out the aforesaid exercise within a period of eight weeks from the date of receipt of this order.

9. Rule is made absolute in the aforesaid terms. No order as to costs.

(RAJ D. WAKODE, J.)

(SMT. M. S. JAWALKAR, J.)

NSN