



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

Writ Petition No. 4247/2024

Chaya wd/o Durgesh Katre Vs. Divisional Commissioner, Nagpur Division, Nagpur
and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Tariq Mohd Zaheer, Advocate for petitioner.
Mr. H.R.Dhumale, AGP for respondent no.1.
Mr. Meghna Munshi, Advocate for respondent nos.2 and 3.
Mr. A.R.Deshpande, Advocate for respondent no.4.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 16-10-2025.

1. Heard Mr. Tariq Mohd. Zaheer, learned counsel for petitioner, Mr. H.R.Dhumale, learned AGP for respondent no.1, Ms. Meghna Munshi, learned counsel for respondent nos.2 and 3 and Mr. A.R.Deshpande, learned counsel/AGP for respondent no.4.

2. The petitioner contended that the learned CEO has passed the impugned order dated 16th November, 2023 without issuing notice to the petitioner.

3. The learned counsel for the respondents, would submit that against the impugned order passed by CEO, the present petitioner has filed an appeal before the Divisional Commissioner, who after granting an opportunity of hearing to the petitioner, dismissed the appeal. Therefore, there is sufficient evidence to show that the principle of natural justice was not followed. In support of his submission, the counsel for the respondent relied on the judgment of the Apex Court in the matter of *Canara Bank and others Vs. Debasis Das and others : (2003) 4 SCC 557.*

4. There is no dispute about the proposition of law laid down by the Apex Court in the above case, but the issue remains unanswered that when the appointment was issued in favour of incumbent-employee, it is incumbent on the part of the respondent-CEO to give an opportunity of hearing to her which was not done by the Authority. Therefore, the Authority has not followed principle of natural justice.

5. It was submitted on behalf of respondent no.4 that pursuant to the order passed by CEO, the petitioner was already working with the Zilla Parishad. In view of this fact, it is not proper to remove the respondent no.4 till the CEO decides the case of the petitioner afresh on its own merits.

5. Therefore, I am inclined to allow the petition. The order dated 16.11.2023 passed by the Chief Executive Officer and the order dated 16.02.2024 passed by Divisional Commissioner are quashed and set aside. The matter is remanded back to the CEO, Zilla Parishad, Gondia, to hear the petitioner and respondents and thereafter pass an order within a period of two months from today.

6. In view thereof, the petition stands disposed of.

(Siddheshwar S. Thombre, J)