



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

Writ Petition No.8231/2023

(Dattatraya and others V the Deputy Director of Education, Amravati 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. P.B. Patil, Advocates for petitioners.
Mr. Madiwale, AGP for respondent nos.1 to 3.
Mr. Y.S. Gorle, Advocate for respondent no.4/Caveator.

CORAM : Nitin W. Sambre & Abhay J. Mantri, JJ
DATE : 13-12-2023.

Heard learned Counsel for the petitioners.

2. Leave to amend so as to enable the learned Counsel for the petitioners to add Management as party respondent no.5 is granted.

3. According to him, the respondent no.4 lodged a complaint pursuant to which the notice of hearing was issued on 18-10-2023 and without serving the copy of complaint and granting reasonable opportunity of hearing, the impugned order is passed.

4. In view thereof, issue notice to the respondents along with newly added respondent, returnable on 12-02-2024.

5. Learned Assistant Government Pleader waives notice for respondent nos. 1 to 3.

6. Mr. Gorle, learned Counsel, waives notice for respondent no.4.

7. It is brought to our notice by the learned Counsel for the respondent no.4 that very same order is questioned by the Management in Writ Petition No.7792/2023, in which the Vacation Court has passed an order of issuance of notice on 21-11-2023.

8. We are informed that the services of the petitioner no.3 were approved way back in 2021.

9. It is further brought to our notice that reasonable opportunity of hearing was not offered to the petitioners.

10. *Prima facie*, there appears to be substance in the claim putforth by the petitioners.

11. That being so, not only the impugned order shall remain stayed, but also the proceedings initiated by the respondent no.1-Deputy Director against the petitioner no.2 shall remain stayed until further orders.

12. To be tagged Writ Petition No.7792/2023 along with this petition.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)