

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**931 CONT. PETITION NO.331 OF 2019
IN WRIT PETITION NO.10574/2016**

**DNYANESHWAR VITTHAL LANDGE
VERSUS
GAJANAN SUSAR AND OTHERS**

...

Advocate for Petitioners : Mr Biradar R.d.
AGP for Respondents State: Mr S. G. Sangle

**CORAM : PRASANNA B. VARALE & ANIL
S. KILOR, JJ.**

DATE : 18th December, 2019

ORDER:

1. By a detailed order dated 06.12.2019, the Director of Education was directed to file detailed affidavit explaining inordinate delay in compliance of the order passed by this Court. Prior to our order dated 06.12.2019, by order dated 30.07.2019, simple notice was issued to respondent no.1 only.

2. Learned A.G.P. invited our attention to the affidavit-in-reply filed on behalf of respondent No.1- Gajanan Sugdeo Susar, Education Officer (Secondary) dated 14.11.2019 as well, the affidavit-in-reply filed on behalf of the Director of Education Shri Dinkar Mahadeo Patil. Affidavit in reply of Mr. Susar states the fact that at the time of directions issued by this Court, during stipulated period, Mr. Susar was not holding the charge of the post of Education officer (Secondary) Zilla Parishad, Auragabad, as such, was not competent authority to take any decision. An unconditional apology is also tendered. In view of the statement made in the affidavit in

reply, we accept the unconditional apology of respondent No.1-Gajanan Dugdeo Susar.

3. Now coming to the affidavit in reply filed on behalf of the Director of Education, it reveals that the Director of Education had referred to various government resolutions, wherein, the policy of the State Government is also reflected. It is also submitted before us that the petitioner had approached this Court by filing writ petition bearing No.158/2013 and certain interim order was passed by this Court. Thus, in short the statement of the learned AGP was, there were two persons putting their rival claims for compassionate appointment. It is also submitted by the learned AGP that the Director of Education was required to verify necessary record so as to satisfy himself to take decision on merits of the proposal of the petitioners. Then our attention was invited to the ultimate order passed by the Education Officer (Secondary), Zilla Parishad, Aurangabad dated 04.09.2019, wherein, by assigning reasons, the proposal submitted through the In-charge Headmaster in respect of the petitioner is turned down.

4. Though the learned AGP was justified in making submission before this Court that now the order of this Court is duly complied with by a decision of the Education Officer (Secondary) dated 04.09.2019, the purpose of the petitioner is duly served, but at the same time, it is also a fact that when the authorities were at liberty to take a decision on merits within stipulated period of eight weeks, only on account of verifying the

records, the decision making process was extended for more than three years from the date of order of this Court. There cannot be any justifiable reasons for the authorities to sit over the proposal for a considerable length of period and then, on issuance of notice by this Court on a strict order passed by this Court, to approach the Court by submitting copy of the decision, this only leads to multiplicity of litigation and wasting time of Court. Hence, with a note of caution that hereinafter, if we find that there is inordinate delay in compliance of the order of this Court and the Court is faced with such petition in large number, this Court may pass appropriate orders, including fastening pecuniary liability personally on the officer concerned, apart from the action being initiated under the provisions of the Contempt of Courts Act, the contempt petition is disposed of.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

JPC