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

12 WRIT PETITION NO.2756 OF 2022

MOGHAL MULTIPURPOSE YOUTH ASSOCIATION
THROUGH THE PRESIDENT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr C. V. Dharurkar, Advocate for petitioners;
Mr A. R. Kale, A.G.P. for respondent Nos.1 to 3
Mr P. D. Suryawanshi, Advocate for respondent No.4

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 3rd October, 2022

PER COURT:

1. On 15/09/2022, we had passed the following order :-

“1. Pursuant to the order dated 2nd December, 2019, except a blame game between the office of the Education Department (Primary) and the Education Officer (Primary), the order of this Court has not been implemented. The petitioner has again approached this Court, putting forth prayer clause ‘B’ as under :-

B] By issuing a writ of ‘Certiorari’ or any other writ of like nature the ‘Staff approval’ dated 02.07.2018 (Exhibit-R) issued by the respondent No. 4 Education Officer may kindly be quashed and instead the respondent No. 4 may kindly be directed to issue a revised ‘Staff Approval’ for the Petitioner No.2 school by considering existing students strength at the

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*school strictly in consonance with the provisions of GR dated 28.08.2015 (**Exhibit -F**) and by ignoring Clause [3] & [6] of the letter dated 29.11.2021 (**Exhibit- X**) since the same is contrary to the G.R. dated 28.08.2015 (**Exhibit-F**).*

2. *Prima-facie, the conduct of the Director of Education (Primary) and Education Officer (Primary) indicates no desire to implement the order of this Court. In short, it can amount to disobedience of the order of this Court.*

3. *As such, the Director of Education (Primary) and Education Officer (Primary) Shri Shrikant Kulkarni, both shall personally file their affidavits in this matter, indicating the steps initiated for implementing the directions of this Court dated 2.12.2019. The affidavits in reply should be filed, on or before 28th September, 2022.*

4. *List this petition in the urgent admissions category, on 3rd October, 2022.”*

2. We had observed in paragraph 2 of the above order that, prima facie, we are of the view that, the Director of Education (Primary) as well as the Education Officer (Primary) do not have any desire to implement the order of this Court. This Court had recorded in paragraph 3 of the order dated 02/12/2019, passed in Writ Petition No.705/2019, filed by the present petitioner, as under :-

“3. In case, the proposal seeking correction of staff approval is pending with the Deputy Director of Education and is competent to take decision upon it, he shall take

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decision upon it preferably within a period of four months considering the relevant Government Resolution and statutory provisions prevailing.”

3. Today, we are informed that the Director of Education (Primary) Shri. Mahesh Palkar has partly complied with the order of this Court, dated 02/12/2019, which is after 2 years and 9 months. We are astonished and pained by the inaction on the part of the Department, who practically refused to work even after the High Court passed an order. To worsen the situation, the order dated 20/09/2022, which is now shown to us, is a part compliance of the order of this Court.

4. The learned Advocate for the petitioners submits that, the petitioner is one such Institution, which does not believe in taking recourse to any methods, save and except, by approaching this Court in the event of any legal injury. This petition has been filed after being compelled to approach this Court, as the authorities were refusing to act despite the direction of this Court, dated 02/12/2019.

5. The learned A.G.P. submits on instructions that, the Director of Education (Primary) would now pass an order granting correction in the staff approval.

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6. In the peculiar facts as above, this petition is partly allowed. We are compelled by respondent No.2, to impose costs of Rs.15,000/- (Rs. Fifteen Thousand) on the said Department, for having not complied with the order of this Court. The amount shall be deposited in this Court, on or before 10/11/2022. After depositing the amount, we would donate the said amount as follows :-

- (a) Rs.7,500/- to the Orphanage Home i.e. “Shantivan”, Arvi, Tq. Shirur Kasar, District Beed, in the name of “Bhavani Vidhyarthi Kalyan Pratishthan, Arvi”, and
- (b) The petitioner shall withdraw Rs.7,500/- as costs.

7. Respondent No.2 shall pass an order pursuant to the direction of this Court, dated 02/12/2019, on or before 07/10/2022 (upto 5.00 p.m.).

8. Needless to state, in the event, the petitioners are aggrieved by any decision of the Education Department, they would be at liberty to assail the same, independently.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

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