

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5803 OF 2021

Prasad Rajaram More .. Petitioner
v/s.
The State of Maharashtra Thr. The Secretary
Department of Education And Sports & Ors. .. Respondents

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Mr. Sanjeevkumar B. Deore, a/w. Ms. Suchita Pawar, for the Petitioner.

Mrs. S.S. Bhende, AGP, for State.

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**CORAM: NITIN JAMDAR &
AMIT BORKAR JJ.**

**DATE : 3 FEBRUARY 2022.
(Through Video Conferencing)**

P.C:-

This is one more case where instead of deciding the proposal the Education Officer has filed an affidavit in reply, to which further affidavits are also filed, meaning thereby that the Education Officer is shifting the responsibility of taking decision at the first instance on this Court. We have repeatedly pointed out to the office of the Government Pleader that this cannot be countenanced and the Education Officers should be informed. After the decision is taken, if it is adverse, the parties can then challenge the decision and

the validity of the same can be tested by the Court.

2. We direct the concerned Education Officer to decide the pending proposal irrespective of the affidavits filed by the Education Officer in this Court on its own merits within period of four weeks and inform the same to the Petitioner and the Respondent Management.

3. It is only out of indulgence that we have refrained from imposing costs on this Education Officer. Any delay on the part of the Education Officer in deciding the matter will be viewed seriously.

4. Writ petition is accordingly disposed of in above terms.

(AMIT BORKAR J.)

(NITIN JAMDAR, J.)