

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

56 WRIT PETITION NO.1976 OF 2023

**BAITUL ULOOM EDUCATION SOCIETY THROUGH
ITS PRESIDENT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

...
Advocate for Petitioners : Mr. Syed Masood Chand
AGP for Respondents/State : Mr. V.M. Kagne
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**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.
DATE : 21st February, 2023**

PC. :-

1. In this petition, the petitioner has approached this Court only for directions to the Education Officer, as his representation dated 04.03.2020 is pending till today. He points out that, earlier he had approached this Court for directions as the Education Officer was not deciding the proposal regarding appointment of the petitioner and the same was pending for three years and six months. By order dated 28.08.2018, this Court disposed off the petition and directed the Education Officer to take a decision within four months. The petitioner again had to approach this Court, along with his school, as the petitioners in Writ Petition No.537 of 2020 since the Education Officer was not including the name of the petitioner in the Shalarth Pranali, though his

appointment was subsequently approved. By an order dated 09.01.2020, the Education Officer was directed to forward the proposal to the Deputy Director of Education, who in turn, was directed to take a decision within two months.

2. In view of the above, this petition is disposed off with a direction to the Education Officer to take a call on the representation of the petitioner and respond to the same by arriving at a decision in accordance with the rules and the law applicable, within 45 days. We would not grant extension of time.

3. Before we part with this matter, we deem it appropriate to record that in hundreds of cases, we have to pass orders directing, either the Education Officer or the Deputy Director (Education), to take a decision on certain proposals / representations that are pending before them. Invariably, we find that these officers sit over such proposals for reasons best known to them. We could take recourse to Section 10 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 for having failed in discharging the official duties and not performing the official work assigned to a particular officer, in the most diligent and expeditious manner. Proviso to Section 10(1) mandates that normally no file shall remain pending with any Government servant in the department or office for more than seven days. It would be appropriate to re-produce Section 10 hereunder:

“S.10: (1) Every Government servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible:

Provided that, normally no file shall remain pending with any Government servant in the Department or office for more than seven working days:

Provided further that, immediate and urgent files shall be disposed of as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department, the concerned Department shall take the decision and necessary action in the matter within forty-five days and in respect of files required to be referred to any other Department, decision and necessary action shall be taken within three months.

(2) Any wilful or intentional delay or negligence in the discharge of official duties or in carrying out the official work assigned or pertaining to such Government servant shall amount to dereliction of official duties and shall make such Government servant liable for appropriate disciplinary action under the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 or any other relevant disciplinary rules applicable to such employee.

(3) The concerned competent authority on noticing or being brought to its notice any such dereliction of duties on the part of any Government servant, after satisfying itself about such dereliction on the part of such Government servant shall, take appropriate disciplinary action against such defaulting Government servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Government servant.”

4. In view of the above, we direct the Principal Secretary, School Education and Sports Department, to issue a circular in the form of standing instructions to all the officers of the Education Department, right from the level of the Deputy Education Officer until upwards, to clear the proposals,

representations that are pending before them, expeditiously and if there is no legal impediment, to be cleared within the time frame as mentioned in Section 10 of the 2005 Act. In case there is any dereliction of duty or if this Court notices any such act in future, we would direct that the said conduct of the said officer would be recorded in his service book and the same shall be a factor to be considered at the time of considering him for promotion.

5. We call upon the learned Registrar (Judicial) of this Court to place a copy of this order before the Chief Secretary of the State of Maharashtra, Secretary, G.A.D. and the Principal Secretary, School Education and Sports Department, for immediate action.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]