

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

WRIT PETITION NO. 4440 OF 2023

Shaikh Mukhtar s/o Shaikh Ismail

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....
Mr. Syed Masood Chand – Advocate for the petitioner
Mr. V. M. Kagne – AGP for respondent/State
.....

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATED : 24th APRIL 2023

PER COURT : -

1. Leave to correct the date of the impugned order in prayer clause 'B'. Correction be carried out forthwith.

2. This is yet another case of delay in discharge of duties and keeping the proposal of the petitioner, for entering his name in the Shalarth Id, dated 31.01.2023, pending. The petitioner is without salary from 15.06.2021.

3. On 21.06.2023, this Court (Coram : Ravindra V. Ghuge and Sanjay A. Deshmukh, JJ.) had passed an order in Writ Petition No. 1976 of 2023 directing the Principal Secretary, School Education and Sports Department, Mumbai, to issue a circular instructing all the officers in the Education Department, right from the Deputy

Education Officer upwards, to clear the proposals / representations that are pending before them, expeditiously and if there is no legal impediment, the same shall be cleared within the time frame as set out in Section 10 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties, 2005 (hereinafter referred to as "2005 Act"). We are informed that the Department has issued a Government Resolution dated 21st April, 2023 mandating all these officers to work with speed, avoid delay and pass orders with promptitude, lest, face action under Section 10 of the 2005 Act.

4. In view of the above, **this petition is disposed off** with the following directions :

- a] The pending proposal dated 31.01.2023 shall be decided by respondent no. 4 – Dy. Director of Education, Nashik Region, Nashik, with proper application of mind, by considering the law and the rules applicable and by assigning specific reasons.
- b] The proposal shall be decided on or before 10th May, 2023 keeping in view that the petitioner would be superannuating on 31st May, 2023.
- c] We could have initiated action against these officers under Section 10 of the 2005 Act, however, the learned

advocate for the petitioner submits that leniency may be shown so that the said officers would not develop antipathy towards the petitioner.

[SANJAY A. DESHMUKH]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE