

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

2 WRIT PETITION NO.11834 OF 2023

**PAPABHAI DAGADUBHAI BAGWAN TRUST RAHURI
THROUGH ITS SECRETARY
VERSUS
THE STATE OF MAHARASHTRA
THROUGH PRINCIPAL SECRETARY AND OTHERS**

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Advocate for Petitioner : Mr. Hemant U. Dhage
AGP for Respondent / State : Mr. M. M. Nerlikar

...

**CORAM : MANGESH S. PATIL
AND
NEERAJ P. DHOTE, JJ.**

DATED : NOVEMBER 28, 2023

PER COURT :

. Heard both the sides.

2. Though the matter is awaiting service to respondent no.5 which is the District Education Officer (Primary), Zilla Parishad, the learned AGP submits that by the order dated 18.03.2021 in Writ Petition No.15419 of 2019 the respondent no.4 herein, who was also the respondent no.4 in that petition, was *inter alia* directed to take a decision on the petitioner's proposal dated 03.08.2019 in accordance with law within 30 days of the order. He would point out that pursuant to such a direction the respondent no.4 had notified the petitioner with the impugned communication (Exh.'H') about the shortcomings in the proposal. By the impugned communication, the petitioner has been

informed to remove these shortcomings, so that appropriate proposal can be forwarded to the State Government.

3. The learned advocate for the petitioner vehemently tries to impress upon us as to how none of these shortcomings are sustainable in law.

4. Obviously, the perception being carried by the petitioner may logically be turned out to be correct. However, if the insistence of the petitioner is to call upon us to embark upon and examine the correctness or otherwise of the objections being raised, in our considered view it would be premature. If the petitioner wants its proposal be considered either it will have to comply with the shortcomings or may insist that the decision be taken on the proposal on its own merits. Since the learned advocate for the petitioner submits that irrespective of these objections, which are not sustainable, the petitioner's proposal ought to have been considered pursuant to the directions of this Court in the order dated 18.03.2021, nothing survives to be decided by this Court.

5. We dispose of the writ petition by directing respondent no.4 to forward the proposal, as it is, to the respondent no.1 which shall take appropriate decision in accordance with law as directed in Writ Petition

No.15419 of 2019 by order dated 18.03.2021. The respondent no.4 shall transmit the proposal to the respondent no.1 through respondent no.3 within three weeks and respondent no.1 shall thereafter take the decision within next four weeks of receipt of the proposal.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

GGP