

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

WRIT PETITION NO. 15190 OF 2023

Vishwanath Shikshan Sanstha Ambulga
Through Its President
Madhavrao Nivrutti Poul and Another ...Petitioners

Versus

The State of Maharashtra
Through Its Secretary and Others .. Respondents

...

Advocate for Petitioners : Mr. Sunil Mahadevappa Vibhute
AGP for the Respondent / State : Mr. G. A. Kulkarni

...

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

DATED : DECEMBER 12, 2023

PER COURT :

. Heard the learned advocate for the petitioners – institution.

2. Petitioners – Institution runs a school and is aggrieved by the communication dated 22.11.2023 addressed to the Director of Education by the Education Officer soliciting appropriate action for petitioner's failure to process the pension papers of its employee, who has superannuated.

3. Having heard the learned advocate for the petitioners, we need to simply observe that there is no decision by any of the authority. Only it is a communication whereby something is being put forth before

the Director of Education perhaps to initiate and call upon him to exercise the powers under Section 3 of the Maharashtra Educational Institutions (Management) Act, 1976 (for short, 'Act of 1976').

4. No decision is still taken by the Director of Education. Sustainability or otherwise of the grounds being put forth in the impugned communication cannot be a subject matter of judicial scrutiny. That would happen before the Director, if he intends to exercise the powers under Section 3 of the Act of 1976.

5. The petition being premature is dismissed.

6. It would always be open for the petitioners to take appropriate steps if and when any action is taken against them.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE