



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 WRIT PETITION NO.4334 OF 2024

MANGESH MAHADEO KAMALKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. S.S. Thombre, Advocate for petitioner

Mr. N.S. Tekale, AGP for respondent Nos.1 to 4

...

**CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.**

DATE : 25th APRIL, 2024

ORDER :

1 Present petition can be disposed of in view of the prayer and the other documents.

2 The present petitioner was required to knock the doors of this Court by filing Writ Petition No.12754 of 2023 as respondent No.4 was not deciding the proposal in respect of appointment of the petitioner and had kept it pending since 25.04.2017. By order dated 17.10.2023 this Court disposed of that writ petition by giving direction to respondent No.4 to follow

the due procedure laid down and decide the proposal. Now, on 11.03.2024 an order is passed which is apparently not in compliance of the order passed by this Court on 17.10.2023. The said proposal was to be decided within a period of 60 days from the date of the order. What is more disturbing is that respondent No.4 appears to have only scrutinized the proposal. He found some documents to be deficient. He has not utilized his powers to get those documents from the Management and rejected the proposal on the ground that those documents have not been produced. Such procedure and approach deserves to be deprecated. This Court in some matters had given directions to the Education Officers that they should not directly reject the proposal but may call upon the Management to produce the documents before taking the final decision. Respondent No.4 has not adhered to those decisions.

3 Now, in pursuant to the impugned order dated 11.03.2024 it appears that the Management has forwarded the documents by communication dated 12.03.2024. In view of the said situation we set aside the impugned order dated 11.03.2024 and direct respondent No.4 to decide the said proposal and take into consideration the documents which are produced along with communication dated 12.03.2024 by the Management.

4 Such decision be taken within a period of one week and the
compliance be reported.

5 We impose costs of Rs.5,000/- (Rupees Five Thousand only) to
the Education Officer for not complying the order of this Court dated
17.10.2023 within the period of limitation that was granted, so also taking a
hyper technical approach and coercing the petitioner to approach this Court
again.

6 The compliance be made and amount of costs be deposited in
this Court, on or before 09.05.2024.

7 Place the matter for compliance on 09.05.2024.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

agd